

Saturday, 31 October, 1857

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF INDIA,

FROM

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1857.

All these had been omitted from the Bill.

The Clauses in the English Statute respecting the provisions and accommodation to be furnished to seamen had been adopted with some modifications. It had been thought necessary to make some difference in the amount of compensation to be allowed in the case of a European seaman and in the case of a lascar when the quantity of provisions supplied was less than the quantity stipulated for in the agreement. In the present local Act no such distinction was made.

With respect to the provisions regarding Medicines, and Hurt and Injury to Seamen, he had retained two Sections of the local Act (XXIII and XXIV), instead of adopting the provisions of the English Act, the former being more suitable to the circumstances of the country.

He had inserted a Section which allowed a Shipping Master of his own motion to go on board any ship in which seamen had been shipped in any Indian Port, for the purpose of inspecting the provisions and accommodation provided for the crew. This was in accordance with a suggestion made by the Calcutta Superintendent of Marine.

With regard to the "Registration of, and Returns respecting Seamen," the English Act provided for a general Register and Record Office of Seamen in the Port of London, for the transmission to the Registrar General of agreements and other papers; and for the preparation of a general Register of all persons who served in ships subject to the provisions of the Act. It seemed to him that no such general registration as this could be established in this country. Certainly, no advantage could be expected from it, which would not be very much more than counterbalanced by the trouble and expense which the maintenance of the Office would entail. The Clauses, therefore, had been omitted from the Bill.

He thought it unnecessary to occupy the time of the Council with any further remarks, and would conclude by moving the first reading of the Bill.

The Bill was read a first time.

RECOVERY OF RENTS (BENGAL).

MR. CURRIE gave notice that he would, on Saturday the 31st Instant, move

Mr. Currie

the second reading of the Bill "to amend the Law relating to the recovery of Rent in the Presidency of Fort William in Bengal."

PORT-DUES (ADEN).

MR. LEGEYT gave notice that he would on the same day move the first reading of a Bill "for the levy of Port-dues in the Port of Aden."

The Council adjourned.

Saturday, October 31, 1857.

PRESENT:

The Honorable J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	P. W. LeGeyt, Esq.
Hon. Major General J. Low,	E. Currie, Esq.
Hon. B. Peacock,	and Hon. Sir A. W. Buller.

GANJA (BOMBAY).

MR. LEGEYT presented the Report of the Select Committee on the Bill "relating to the sale of Ganja in the Presidency of Bombay."

PORT-DUES (ADEN).

MR. LEGEYT moved the first reading of a Bill "for the levy of Port-dues in the Port of Aden." This Bill, he said, had been framed on the same principles as those of the Bills relating to the other Ports under the Presidency of Bombay. It appeared, from a Statement forwarded by the Government of Bombay, that all projected expenses for the Port of Aden would be sufficiently provided for by a duty of one anna per ton, not leviable oftener than once in each calendar month, on each vessel arriving at the Port, fishing-boats excepted. The only peculiarity in the Bill was this. Some doubts had been entertained as to whether Section XLVI of Act XXII of 1855 should be adopted in the Bill. That Section required every vessel, under a penalty of a hundred Rupees, to report its arrival in Port within a certain space of time. He had thought it better to exclude that provision from this Bill, as it might be found

inconvenient to impose it on Mail Steamers, whose stay in the Port was very often of shorter duration than twenty-four hours.

The Bill was read a first time.

RECOVERY OF RENTS (BENGAL).

MR. CURRIE moved the second reading of the Bill "to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal."

MR. PEACOCK said, before the Bill was read a second time, he wished to make a few observations upon it. It appeared to him to have been prepared with great care—it contained many very excellent; provisions and great credit was due to the Honorable Member for Bengal for the labor which he had bestowed upon it. But there were two points which involved questions of principle, and upon which he did not wish to be considered as binding himself in giving his assent, as he intended to do, to the Motion for the second reading.

The first point related to a question of revenue, namely, the stamp-duty in suits instituted under the Bill. Section XXVII provided as follows:—

"The statement of claim shall be written on paper bearing a stamp of the value of eight annas; but if the Collector be satisfied of the inability of the plaintiff to pay for a stamp, he may receive such statement on plain paper. No stamp shall be required in respect of any petition or other proceeding connected with the suit or with the execution of any order or judgment passed thereon, or for copies of any papers."

By Section XVII, certain suits which must now be preferred in the Civil Courts as regular suits, were required to be preferred before the Collector. In all these cases, therefore, instead of the stamp-duty required by the existing law, there would be only an eight-annas stamp for the statement of claim. By Regulation VIII of 1831, claims in summary suits which might be preferred before a Collector were liable to a stamp-duty of one-fourth of the value payable in regular suits: but the eight-annas stamp-duty imposed by the Bill would, in many cases, be less than one-fourth of the stamp-duty payable in a regular suit. The result, he believed, would be a considerable loss to Government. Her Majesty's Commissioners, by whom the

Code of Civil Procedure was prepared, recommended that all judicial stamps should be abolished, but the Government of India recorded its opinion that financial considerations rendered it at present impossible to sacrifice the large amount of revenue derived from that source, and the Clause proposed by the Commissioners was excluded from the Bill which was introduced into the Council for giving effect to the Civil Code. No one could be more desirous for the abolition of all stamp-duties upon legal proceedings than himself; but, in the present state of the finances of the country, he was unwilling to give his assent to the proposed alteration of the stamp-duties. He had been unable as yet to ascertain the amount of loss which would be caused by the proposed change. He believed that it would not be less than from one to two lacs of rupees a year, and he did not think that the Council ought to pass the Bill as it stood without knowing more accurately than they did at present what was the probable amount of the loss which Government would sustain by the alteration. He thought that it would be far better that the Bill should leave the question of stamp-duties untouched, in the same way as the Bill relating to Civil Procedure had done. The whole question relative to stamp-duties upon legal proceedings would then be open for discussion upon a Bill for amending and consolidating the stamp-duties. Probably, the best mode of dealing with the matter would be to allow the Bill to be read a second time, and to refer it to a Select Committee with special instructions to report upon the expediency of making the proposed change before the Bill was published. If they should be of opinion that the change ought not to be adopted at present, the Bill would be modified accordingly, and then published for general information. It would not be fair to the public to publish the Bill in a form in which it proposed reduced stamp-duties, and then to alter it in Committee so as to retain the present duties.

The other point upon which he did not wish to be considered as pledging himself by his vote for the second reading of the Bill was that which related to the Officers by whom suits under the Bill were to be cognizable. Many cases which must at present be instituted as

regular suits in the Civil Courts were transferred to the jurisdiction of Collectors exclusively. For instance, Clauses 1 and 5 of Section XVII transferred to the Collector the following cases :—

“All suits for the delivery of pottahs or kubooliyets, or for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered.

“All suits to eject any ryot or cultivator, or to cancel any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of any contract by which a ryot or cultivator may be liable to ejectment or a lease may be liable to be cancelled.

All questions of that nature must be tried as the law now stood in regular suits in the Civil Courts; but the Section enacted that they, and also several others

“shall be cognizable by the Collectors of land revenue and shall be instituted and tried under the provisions of this Act and shall not be cognizable in any other Court, or by any other Officer, or in any other manner.”

In short, by that Section, suits which now could be instituted only as regular suits in the Civil Courts, must be tried by the Collector; and suits which might now be instituted before the Collector as summary suits and might also at the option of the party be tried as regular suits in the Civil Courts, must likewise be carried before the Revenue Authorities. Now, many difficult questions might arise in some of these cases; and he thought there were many which had better be left to the ordinary Civil Courts under the new Code of Procedure than limited exclusively to the cognizance of the Revenue Authorities. It was not to the Collector alone that the cognizance of these suits was entrusted. By Section CXXXVIII,

“All the powers vested in the Collector by the preceding Sections of this Act may be exercised by any Deputy Collector in cases referred to him by a Collector, and in all cases, without such reference, by any Deputy Collector having local jurisdiction in any sub-division of a District.”

Thus a Deputy Collector might adjudicate upon cases which, under the present law, could only be tried in the Civil Courts, provided such cases were referred to him by the Collector; and he might adjudicate in like manner without any such reference if he had local

jurisdiction in any sub-division of a district.

Now, if the Bill were to take away from ryots and others the right which they at present had of bringing their suits before the regular Courts, and were to refer them for a remedy to the Collectors and Deputy Collectors, the first question that arose was, who were to be the Deputy Collectors, from what class were they to be selected, and were the Deputy Collectors to be as numerous as the Civil Courts. In a Despatch from the Honorable Court of Directors dated 24th September 1856, the Honorable Court, speaking of the union of fiscal and magisterial duties, said—

“To remedy the evils of the existing system, the first step to be taken is, wherever the union at present exists, to separate the police from the administration of the land revenue. No Native Officer should be trusted with double functions in this respect. We do not see the same objection to the combination of magisterial and fiscal functions in the hands of our European officers, because we can better hope they will not abuse their powers, and because, by employing the Collector as the principal Magistrate of each district, we are able to obtain for the chief administration of the penal laws a more efficient, and especially a more experienced class of Officers than would otherwise be available. This is an important consideration which ought never to be lost sight of. Nevertheless, it is still more important that the Officers who control the police should be required to undertake frequent tours of their districts. And they must not be so burdened with other duties, such as the preparation of forms, returns, and statements, as to be deprived of the time sufficient for this essential purpose. This supervision, exercised by intelligent Officers, who are accessible at all times, is the most certain and effectual check to every abuse of authority by subordinate servants of police.”

He apprehended, therefore, that it was not intended that Native Deputy Magistrates should be made Deputy Collectors for revenue purposes. He understood that the Lieutenant-Governor of Bengal had appointed many Deputy Magistrates to be Deputy Collectors, not for the purpose of exercising all the powers of Deputy Collectors, but merely for the purpose of deciding summary suits relating to rent. It had been said that there was an advantage in referring suits relating to rent to the Revenue Authorities, because the knowledge and experience which they acquired in the discharge of their revenue functions enabled them to decide such suits better

than the Civil Courts. But, admitting for the sake of argument that such was the case, a Deputy Magistrate who was made a Deputy Collector merely for the purpose of deciding such suits would have no advantage over the Civil Courts by reason of his experience in revenue matters. If he were made a Deputy Collector, not for the purpose of exercising all the powers of a Deputy Collector, but for the purpose of exercising the single power of adjudicating summary suits for arrears of rent, there could be no use in calling him a Deputy Collector. He was in reality not a Deputy Collector, and it would be more correct to say "that these suits might be tried by a Deputy Magistrate." The Lieutenant-Governor had said that he had invested Deputy Magistrates with the powers necessary to enable them to administer summary justice in revenue suits as an experiment. But whilst the experiment was going on, and before the result could be known, the Honorable Member for Bengal brought in this Bill, giving to Collectors and Deputy Collectors jurisdiction in a new class of suits which had never been tried as summary suits before, involving important and difficult questions which under the present law could be determined by the Civil Courts only in regular suits. Very recently the British Indian Association had addressed the Lieutenant-Governor objecting to the appointment of Deputy Magistrates to be Deputy Collectors.

They said,

"The Committee of the British Indian Association request the favor of your laying before His Honor the Lieutenant-Governor of Bengal their views respecting some recent appointments made under His Honor's orders by which Deputy Magistrates have been invested with the powers of Deputy Collectors with authority to adjudicate summary suits for the recovery of rents &c.

"The Committee feel confident that these appointments have been made with due regard to the qualifications of the individual Officers vested with the united offices, but they yet believe that the system of entrusting to the same hands the authority and powers of Deputy Magistrates and Deputy Collectors is open to grave objections.

"The question, as His Honor must be aware, is not a new one, and has more than once been most elaborately discussed. And it was after such discussion that, in Bengal, it was resolved to keep the district magistracy separate from the revenue administration. The Commissioners lately entrusted with the task of enquiring

into the practice of torture in the Presidency of Madras, after a searching and patient investigation, have also arrived at the conclusion that the union of magisterial and fiscal functions in the hands of district officials is one of the principal causes of the many administrative evils prevailing in that Presidency.

"The importance of the jurisdiction exercised by Deputy Collectors in their judicial capacity cannot be over-estimated. On the proper administration of the laws for the summary trial of claims to rent &c. depends, more than upon any other branch of the judicial system, the prosperity of all classes of the community connected with the land. A single unjust decision often involves thousands of tenants in difficulties. It does not therefore appear to the Committee of this Association expedient to place so important a branch as the civil administration in the hands of persons for whose capacity to undertake it there is no reliable guarantee.

"The duties of a Deputy Magistrate, the Committee further observe, are such as to engross even in the smallest sub-division all the energies and attention of a single Officer. Their proper performance depends much upon their forming the exclusive duty of that Officer. When, however, he is burdened with the duties of a Deputy Collector, detriment to the public service must inevitably follow whether the individual charged with the united offices considers his magisterial duties subordinate to his revenue duties or *vice versa*."

It appeared to him that to invest Deputy Magistrates, who ought to be going about their districts, with judicial powers of the kind contemplated by this Bill, was objectionable; and that the objection was not removed by calling them Deputy Collectors.

The Lieutenant-Governor, in answer to the Petition of the British Indian Association, gave the following explanation. He said—

"The measure to which the Committee object has been adopted by the Lieutenant-Governor chiefly with a view to give a better opportunity of redress against wrong to ryots living at a distance from the Sudder Station. The Lieutenant-Governor found it very generally open to objection that a ryot, in contention with his zemindar regarding rent, was obliged to resort, and in many instances taken by force, to a tribunal many miles from his family and friends in the distant Sudder Station, where it was quite easy for his powerful opponent to carry on his case, but next to impossible for the ryot to have any chance of success. And it was frequently represented to the Lieutenant Governor that the enormous power of the zemindar over the ryot, a power too often exercised, as the Committee of the Association are doubtless aware, with merciless and oppressive rigour, could never be brought under any sufficient check until the summary suits regarding rent, by means of which the

ryot is so liable to suffer injustice, should be heard and determined, not as now at a hopeless distance from the poorest and most helpless parties, but near the ryot's dwelling and in the midst of the people acquainted with the facts of each case."

It was perfectly right that ryots and others living at a distance from the Sudder Station should have an opportunity of bringing their complaints for redress against wrong before tribunals located near to their homes. But the question was, what were these tribunals to be? Were they to be the Moonsiffs' and other Civil Courts, or were they to be Deputy Magistrates called Deputy Collectors and invested with the powers of Deputy Collectors merely for the purpose of trying summary suits relating to rent?

The Lieutenant-Governor proceeded to say:—

"To effect this, it was determined, as an *experiment*, to invest Deputy Magistrates with the powers necessary to enable them to administer summary justice in revenue suits in the manner now objected to by the Committee of the Association.

"These suits are for the most part very simple, and require for their just decision little more than integrity and a reasonable acquaintance with the country and its agricultural population. These qualifications will, the Lieutenant-Governor thinks, be found in the Officers to whom the powers in question have been confided. Further, their decisions are all liable to be revised by the Collector, and are also open to correction, if erroneous, by suit in a Civil Court.

"As an experiment, the measure will be watched with care, in order that any defect which may come to notice may receive immediate correction. And the whole system will be open to amendment if it should be found likely to fail of success. But, up to the present time, the class for whose benefit it was mainly intended has not been found to complain of it; and the objections raised to it have come entirely from the zemindar-class who, though their opinions are entitled to all fair consideration, are, as the Committee must be sensible, not the parties by whom it could be expected that the measure would be in general very warmly approved or supported."

This Bill took away the regular suit for the purpose of getting rid of the decision of the Collector or the Deputy Collector in these cases, and proposed what he (Mr. Peacock) admitted was a much better system—namely, that of giving an appeal at once from the Collector or Deputy Collector to the Judge, instead of the present one of instituting a regular suit to reverse the deci-

sion, involving a regular appeal to the Judge, and then a special appeal to the Sudder Court. But still the question remained, in whom was the original summary jurisdiction to be vested; and it appeared to him to be objectionable to vest it in the Deputy Collectors. A Moonsiff had to undergo an examination before he could be appointed to that office; but a Deputy Magistrate, though he was subjected to some examination, was subjected to none which was a test of his ability to determine suits of the kind specified in Section XVII of this Bill.

Then, the Bill contained a provision that suits involving sums under fifty Rupees were not to be appealable; so that the decisions of Deputy Collectors or of Deputy Magistrates called Deputy Collectors were, in such cases, to be final. When he proposed in the Mofussil Small Cause Courts Bill, that the Moonsiffs should have final jurisdiction under the Bill in claims not exceeding fifty Rupees, the Lieutenant-Governor of Bengal objected, saying that the Moonsiffs could not be safely trusted with the jurisdiction. Whatever opinion might be formed upon that subject when the Code of Civil Procedure came to be discussed, he was not satisfied that the Deputy Magistrates or Deputy Collectors were better qualified to be entrusted with final jurisdiction over those cases which must now be brought in the Civil Courts as regular suits and which Section XVII of the Bill proposed to transfer to them, than the Moonsiffs were. It appeared to him that these regular suits ought not to be entrusted to Deputy Magistrates; or, in a round-about way, to Deputy Magistrates to be made Deputy Collectors for that purpose alone. It appeared to him that they should be left to the Civil Courts, not indeed as they existed at present, but as they would be constituted under the new Code of Civil Procedure.

He thought that the time of Deputy Magistrates ought not to be employed in trying summary suits relating to rent, even if they were competent to try them. But even if they were to be appointed Deputy Collectors for that purpose, unless the number of Deputy Magistrates should be greatly increased, ryots and others who might suffer from

oppression and injustice would be driven to a greater distance, in order to obtain relief under the present Bill, than they would be if the Civil Courts were allowed to retain their present jurisdiction.

It was not his intention to oppose the second reading of the Bill in consequence of the views which he held regarding the two points on which he had addressed the Council. He should vote in favor of the second reading; but he wished it to be understood that he did not give his assent to the alteration of the stamp-duties, and to the transfer of jurisdiction which the Bill proposed from the Civil Courts to Deputy Collectors. He did not think that the present Deputy Collectors, even if they were competent, were sufficiently numerous to enable persons to obtain justice under the present Bill without seeking for it at an unreasonable distance. He objected to making Deputy Magistrates Deputy Collectors for the special purpose of trying such suits; and before he could assent to the proposed transfer of jurisdiction, he must know who were to be appointed Deputy Collectors, and how many Deputy Collectors were to be appointed.

MR. CURRIE said, he had to thank the Honorable and learned Member for the encouraging terms in which he had spoken of the Bill generally, and also for his intention to support the Motion for the second reading.

With respect to the two questions upon which the Honorable and learned Member had spoken, he desired to make one or two observations.

The first was the question relating to stamp-duty. The Honorable and learned Member had referred to the course which had been followed with regard to the Code of Civil Procedure sent out by Her Majesty's Commissioners. But the case of this Bill did not appear to him (Mr. Currie) at all similar to that of the Civil Procedure Code. There, it was proposed that the stamp-duties should be abolished altogether. This Bill proposed still to retain a stamp-duty on the institution of suits. It introduced no change of principle, and no very large change in what had heretofore been the practice with respect to suits cognizable by the Revenue Authorities. As remarked by the Hon-

orable and learned Member, the Bill provided that in all cases the plaint should be written upon paper bearing a stamp of eight annas, and that no stamp-duty should be required in any other part of the proceedings. By the present law, as the Honorable and learned Member had also correctly observed, a stamp-duty to the extent of one-fourth the duty leviable on regular suits was chargeable in summary suits instituted before the Collector; but, at the same time, it was left to the discretion of the Collector "to receive a complaint on paper bearing a stamp of eight annas from any independent talookdar, farmer, or ryot, if the complainant was *bonâ fide* unable to pay the amount of the prescribed stamp, or if the Collector should, for other reasons, consider the indulgence proper." In reality, therefore, the Collector might now receive plaints on eight annas stamp paper if he thought proper so to do. Previous to the enactment of the present Law which he had just quoted (Regulation VIII of 1831), for all cases instituted before the Collector the stamp-duty had been eight annas. Regulation XV of 1824 declared that pleadings should be written on paper of that value whatever might be the amount of the suit. So that this Bill, in proposing that the stamp-duty for plaints should be eight annas, was merely reverting to the practice which had existed before 1831.

As to the Bill requiring the plaint alone to be upon stamped paper, and allowing all the other proceedings connected with the suit to be upon plain paper, that was the law at present with respect to suits instituted before Moonsiffs. A very large proportion of the cases which this Bill transferred to the Collectors would, under the existing law, if instituted at all, be instituted before Moonsiffs; and, in that case, except the institution duty, no other stamp-duty would be chargeable in respect to them. And in cases instituted before the Collector, it was only the answer, the Vakalatnama, if any, and the decree, which were required to be upon stamped paper: no other proceedings in the course of the suit were subject to any such charge. So that he really did not think that the change proposed to be made by this Bill was a very considerable one. It was not a change of prin-

ciple, and it was not a very extensive change in detail.

He was not prepared to say what the financial result of the change would be. Doubtless there would be some loss to Government; but it was to be remembered that a main object of this measure was the relief of the poor man; and the object of the Legislature should be to make the administration of it as cheap as practicable.

Of course there might be a distinction made with regard to suits instituted by landholders for the recovery of rents, and it might be provided that such suits should be on stamped paper of a value bearing some proportion to the stamp-duty required for regular suits. But, at the same time, it ought to be remembered that suits for the recovery of rent were of a peculiar character. The payment of revenue depended on the recovery of rent; and, therefore, there was every reason why the recovery of rent should be facilitated. By the Bill as it stood, the power of recovery by distraint was very much restricted; and it was desirable that the only mode of recovery left to the Zemindar, that of suit before the Collector, should be made as easy and inexpensive as possible.

For these reasons, it did not appear to him that there was any great reason to object to the course proposed in the Bill. But, at the same time, if the Council were of opinion that it was desirable to know what the financial result would be before the Bill was farther proceeded with, he should urge no objection to the Motion which the Honorable and learned Member had said it was his intention to make after the Bill should have been referred to a Select Committee.

With respect to the second question, the class of Officers before whom the cases in question were to be tried, the Honorable and learned Member had made no objection to the jurisdiction being vested in Collectors. His objection was limited to Deputy Collectors.

MR. PEACOCK remarked that he did object to the transfer to Collectors of some of the suits with respect to which the Bill gave them jurisdiction, and which would now be tried only by the regular Court.

MR. CURRIE said, he at present

Mr. Currie

wished to address himself to the objections which the Honorable and learned Member had taken in regard to Deputy Collectors. He had understood the Honorable and learned Gentleman to say that, generally, the Revenue Authorities might have some special qualifications for the trial of these cases. But he had said, if the cases were to be made over to Deputy Magistrates who were appointed Deputy Collectors merely for the purpose of trying such suits, and not for exercising any other of the functions of Deputy Collectors, he should object to such an arrangement. He (Mr. Currie) was not aware of the ground upon which it was inferred that the Revenue duties of the officers referred to would be so restricted; he apprehended that the object of giving to Deputy Magistrates the powers also of Deputy Collectors was to make them really Deputy Collectors and to employ them in the general duties usually performed by Deputy Collectors in charge of sub-divisions. He (Mr. Currie) himself had not had an opportunity of seeing the Despatch from the Honorable Court of Directors to which the Honorable and learned Member had referred; but if the principle was there laid down that no Native Officer should hold the post of Deputy Magistrate conjointly with that of Deputy Collector, that would, undoubtedly, be a very serious impediment to providing the agency necessary for the efficient working of the Bill. It was to be observed, however, that, throughout those parts of the Provinces where the administration was considered to work most satisfactorily, both fiscal and criminal duties were vested in the same Officer. It was so in the Punjab, and it was so in the North Western Provinces. And as to the alternative of giving the jurisdiction to the Moonsiffs, he was certain that no one engaged in the administration in those parts would consent, willingly, to give the jurisdiction in cases of the nature referred to, to any other than the Revenue Authorities. The cases were now tried by those Authorities, and it was, he believed, considered necessary that they should be so tried.

THE CHIEF JUSTICE asked if the Tehseeldars were not also Deputy Collectors?

MR. CURRIE replied that they were,

he believed, sometimes, not always, Deputy Collectors, and sometimes Deputy Magistrates. They had Police as well as fiscal jurisdiction. The Thanah Darogahs, he thought, were generally subordinate to them.

In the unsettled Provinces, where the Revenue Authorities were constantly occupied in the settlement of estates, and in hearing questions of all kinds between Zemindars and their tenantry, they had very great facilities of obtaining such information as would enable them to dispose satisfactorily of the class of cases for which this Bill provided. The examination of Moonsiffs, to which the Honorable and learned Member had referred, was only a test of the candidate's knowledge of the Laws and Regulations. This knowledge would be of little use in enabling an Officer to determine a suit in which the question at issue might be the rate of rent which a ryot should pay for a particular holding. Even in Bengal, Collectors had considerable facilities for making themselves acquainted with matters of that nature; for lands continually fell into the hands of Government by purchase or escheat or resumption, and settlements were to be made of them; there were also estates settled on temporary engagements which had to be re-settled; and these proceedings brought Collectors acquainted with the rates of rent and the relations between landlords and tenants. For these reasons, he thought that they were more suitable Officers for the trial of these cases than Moonsiffs, and he should be very sorry if any change were made in the Bill on this point. But that, of course, was a matter which the Select Committee, after receiving the opinions which the local Governments, their Officers, and others concerned might send in, would consider and determine.

He did not think it necessary to trouble the Council with any further observations in reply.

The Motion for the second reading was then put and agreed to, and the Bill read a second time.

The Council adjourned.

Saturday, November 7, 1857.

PRESENT:

The Honorable J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	D. Elliott, Esq.
Hon. Major General	P. W. LeGeyt, Esq.,
J. Low,	and
Hon. B. Peacock,	E. Currie, Esq.,

KURNOOL (MADRAS PRESIDENCY).

THE CLERK reported to the Council that he had received a communication from the Government of Madras relative to the passing of an Act for the repeal of Act X of 1843 and the formation of Kurnool into a Zillah and Collectorate.

PORT-DUES (GULF OF CAMBAY).

MR. LEGEYT presented a Report by the Select Committee on the Bill "for the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay."

Mr. LeGeyt moved that the above Report be printed.

Agreed to.

PORT-DUES (KURRACHEE).

MR. LEGEYT also presented the Report of the Select Committee on the Bill "for the levy of Port-dues and fees in the Port of Kurrachee."

PORT-DUES (ADEN).

MR. LEGEYT moved the second reading of the Bill "for the levy of Port-dues in the Port of Aden."

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

GANJA (BOMBAY).

MR. LEGEYT moved that the Council do resolve itself into a Committee on the Bill "relating to the sale of Ganja in the Presidency of Bombay;" 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.

The Bill passed through Committee without amendment.