

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

VOL. II.

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## ERRATA.

Column 94—line 11—after the word “drainage” insert “and an efficient system of Lighting.”

„ 201—after line 2, read as follows:—

“PENAL CODE FOR THE PILOT SERVICE (BENGAL.)

The Clerk also reported that he had received, by transfer from the Secretary to the Government of India in the Home Department, a copy of a communication from the Bengal Government on the subject of a proposed revision of the Penal Code for the Bengal Pilots.”

„ 233—lines 8 and 9—for “referred to the Select Committee on the Bill” read “printed.”

„ 416—line 15—for “Ahmednuggur” read “Ahmedabad.”

„ 437—line 23 from the bottom—after the word “Bill” read “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.”

„ 539—Under the head of STAMPS, for “Regulation X of 1839” read “Regulation X of 1829.”

„ 576—line 8—after the word “amendment” read “and reported to the Council.”

„ 620—line 13 from the bottom—for “Section XL” read “Section XL.”

„ 638—line 22—after “proprietor” read “of all lands whatever, which proprietorship was thereby granted to those—”

„ 652—line 16 from the bottom—after the word “Calcutta” read “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.”

„ 676—omit line 25.

# PROCEEDINGS

## OF THE

# LEGISLATIVE COUNCIL OF INDIA.

*Saturday, January 19, 1856.*

### PRESENT :

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

Hon. J. P. Grant,	E. Currie, Esq.,
Hon. B. Peacock,	and
C. Allen, Esq.,	Hon. Sir Arthur Buller,
P. W. LeGeyt, Esq.,	

THE CLERK presented the following Petitions :—

#### POLICE CHOWKEYDARS (BENGAL).

A Petition of the Secretary to the British Indian Association at Calcutta, concerning the Bill "to amend the Law relating to the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal."

MR. CURRIE moved that the above petition be referred to the Select Committee on the Bill.

Agreed to.

#### POLICE (PRESIDENCY TOWNS, &c.)

A Petition of certain members of the Madras Native Association, on behalf of themselves and other native inhabitants of the Presidency of Madras, suggesting amendments in the Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca."

MR. ALLEN moved that the above petition be referred to the Select Committee on the Bill.

Agreed to.

#### CONSERVANCY (PRESIDENCY TOWNS, &c.)

A Petition of the Chairman of the Committee of Ratepayers of Madras, suggesting certain amendments in the Bill "for the Conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," and proposing the constitution of a Board of Health and Conservancy with Magisterial powers.

MR. ALLEN moved that the above petition be referred to the Select Committee on the Bill.

Agreed to.

A Petition of the Secretary to the Bombay Association against such parts of the same Bill as relate to the regulation of Burials and Burial Grounds, and the disposing of the bodies of the dead.

MR. LEGEYT moved that this petition be referred to the Select Committee on the Bill.

Agreed to.

#### DESERTION OF SEAMEN.

A Petition of certain Arab Merchants, and Owners and Commanders of Ships trading with Calcutta and other ports in India, relative to the punishment of Arab sailors engaged at Muscat, who desert from their vessels in Indian ports.

MR. GRANT moved that the above petition be referred to the Select Committee on the projects of Law connected with the Marine Department.

Agreed to.

### HINDOO POLYGAMY.

A Petition of certain Hindoo inhabitants of Calcutta and its vicinity, in support of Hindoo Polygamy. The petition was signed by upwards of 1600 persons.

MR. GRANT moved that the above petition be printed.

Agreed to.

### MARRIAGE OF HINDOO WIDOWS.

A Petition of certain Hindoo inhabitants of Calcutta and its vicinity, in favor of the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows." The petition was signed by upwards of 650 persons.

MR. GRANT moved that the above petition be printed.

Agreed to.

A Petition of certain Hindoo inhabitants of Baraset in favor of the same Bill. The petition was signed by upwards of 300 persons.

MR. GRANT moved that the above petition be printed.

Agreed to.

### LAND REVENUE OF THE TOWN OF MADRAS.

A Petition of the Members of the Madras Association and other Native inhabitants of the Presidency of Madras, against certain provisions of the Bill "to amend Act No. XII of 1851 (for securing the Land Revenue of Madras)."

MR. LEGEYNT moved that the above petition be referred to the Select Committee on the Bill.

Agreed to.

### CONSERVANCY OF MILITARY CANTONMENTS.

THE CLERK reported to the Council that he had received, by transfer from the Secretary to the Government of India in the Military Department, a copy of a letter from the Quarter Master General of the Army, submitting a Draft of Conservancy and Sanatory Regulations for Military Cantonments, proposed by his Excellency the Commander-in-Chief.

MR. PEACOCK moved that the above papers be printed.

Agreed to.

### SMALL CAUSE COURTS.

Also a letter from the Secretary to the Government of Bengal, communicating the opinion of the Commissioner of Chota Nag-

pore, regarding the Bill "for the more easy recovery of small debts and demands."

MR. CURRIE moved that the above communication be printed.

Agreed to.

### DESTRUCTION OF CATTLE (BENGAL).

MR. ALLEN presented the Report of the Select Committee on the Bill "to prevent the malicious or wanton destruction of Cattle."

### ABKAREE REVENUE (CALCUTTA AND MADRAS).

MR. CURRIE presented the Report of the Select Committee on the Bill "to amend Act No. XI of 1849 and Act No. XIX of 1852."

### ARTICLES OF WAR (NATIVE ARMY).

MR. LEGEYNT said, he had been requested by his Hon'ble friend, General Low, (who, he regretted to state, was prevented by illness from being present in his place in Council) to move the first reading of a Bill "to amend the Articles of War for the Native Army, relating to the forfeiture of pay and service in certain cases."

The object of the Bill was to amend the 311th Article of Act XIX of 1847, and to render Native officers and soldiers of the Native Army in India, in cases of absence from duty by reason of imprisonment or desertion, liable to the forfeiture of the time during which they might be absent, and which would otherwise reckon as service towards pension or increase of pay. By the Articles of War for the East India Company's European troops (12 and 13 Vic. c. 43, s. 30) and the Articles of War for the Queen's troops (18 and 19 Vic, c. 11 s. 30) European Soldiers in the Company's service, and all soldiers in her Majesty's service, when in confinement under sentence of a Court Martial or other Court of competent authority, or during absence or commitment under a charge of which they were afterwards convicted, or in arrest for debt, or in certain cases when prisoners of war, were deprived of all pay during such periods, and were not allowed to reckon them towards discharge from the service or increase of pay or pension. By Article 113 of the Articles of War for the Native Army in India, provision was made for forfeiture of pay where officers or soldiers were taken prisoners of war in certain cases, and also for reduction of pay in cases of imprisonment under the sentence of a Court Martial or of any Court of Criminal Judicature. The provision for

the latter object had been amended by Act XXXVI of 1850, which declared that all pay should be forfeited in cases of such imprisonment; but it made no provision for forfeiture of time of service. This defect had been brought to the notice of the Government by the Military Authorities, and the subject had been sent to the Legislative Council for consideration. It would therefore be seen that Native soldiers undergoing imprisonment, or absent from duty by reason of desertion, still had the privilege of reckoning the period of their absence towards increase of pay and pension. There seemed to be no reason for this variety in the mode of dealing with the Native and the European soldier. The Military Authorities were entirely of opinion that it should not exist, and this Bill had been accordingly framed, with the view of preventing Native officers and soldiers who should be absent from duty by reason of desertion or imprisonment, or of being prisoners of war under certain contingencies, from reckoning the period of absence towards increase of pay or pension.

In framing the Bill, he had thought it better to repeal the whole of Article 113 of Act XIX of 1847—at least all that part of it which had not been repealed by Act XXXVI of 1850—and also to repeal Act XXXVI of 1850, and to introduce a new Article which provided for the forfeiture, not only of time of service, but also of all pay during absence from imprisonment or desertion; and re-enacted the existing provision for the forfeiture of pay and allowances during the period which any officer or soldier might have remained prisoner of war under certain contingencies. All these provisions were contained in the Sections of the Acts of Parliament for the European soldiers of the East India Company and Her Majesty's troops, and he had thought it better that they should also be included in the Articles of War for the Native Army. He had adopted in the Bill the terms of the Sections in the Acts of Parliament as nearly as possible. There was necessarily some difference between the language of the Bill and that of the Act of Parliament, because European soldiers enlisted for a limited period of service, and no such practice existed in the Native Army, and it was therefore necessary to omit that part of the Act of Parliament which related to limited enlistment.

With these observations, he begged to move the first reading of the Bill.

The Bill was then read a first time.

#### ABKAREE REVENUE (BENGAL).

MR. CURRIE moved the first reading of a Bill "to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal." The object of this Bill, he said, was to amend certain provisions in the existing law which were inapplicable to present circumstances, and to consolidate into one clear and comprehensive enactment the various rules relating to the sale of spirits, liquors, and drugs, and the revenue derived therefrom, which were scattered through a large number of Regulations and Acts dating from 1802 to 1848, with such additions and alterations as might appear to be necessary.

He was quite sensible that there were other subjects of greater interest and importance in which a similar process of revision and consolidation was highly desirable—more especially the laws relating to the recovery of rents, which might well be thought to have a prior claim to attention. He should therefore briefly state the circumstances which had led to the preparation of the Bill.

The necessity for a revision of the Abkaree laws had long been felt. It had been pressed on the Calcutta Board of Revenue by references from the Western Board, representing the difficulties experienced with regard to the levy of duty on spirits made at distilleries worked after the European method, and more particularly by a letter to the Calcutta Board of Revenue, dated October 1851, by the then Secretary to the Government of Bengal, Mr. J. P. Grant. After showing that the practice which had been followed in the mode of levying duty upon spirits passed from European Distilleries (as they were called) had no warrant of law, Mr. Grant concluded his letter thus:—

"In every point of view, it appears to the Deputy Governor that a new law for all sorts of spirits, and perhaps for every article whence Abkaree Revenue is, or may fairly be derivable, is very desirable. In a letter written more than seventeen years ago, the late Board thus characterised the Abkaree laws:—'It is not easy to administer the Abkaree laws, in some places loose and vague, in others all but contradictory, in others again complex and inapplicable from the very nature of the forms and checks they prescribe; and the misfortune is that, while these defects are glaringly admitted on all hands, so heavy and increasing is the weight of business which presses on all the authorities, that there is literally no time to devise a better system, which would require reflection, leisure, and opportunity for the collection of opinions and of information from all quarters!' The law remains in the same

state now, with the additional complication of the relaxation and rules that have been intermediately introduced by orders of Government. It appears, therefore, to his Honor, that the Board would perform a very useful and meritorious act in the careful preparation of a project of law which would supersede all existing enactments bearing on the subject."

Such a project of law was actually commenced upon by the then Junior Secretary to the Board, Mr. Beadon, and some progress had been made in it, when Mr. Beadon was transferred to the Bengal Office. He made over the papers to him (Mr. Currie); but, in the press of other business, he could not then find time for proceeding with the work. On leaving the Board, he thought it right to retain the papers, and take the earliest opportunity which his present position afforded for preparing and bringing in such a Bill as was required. This was the origin of the measure, and the Council would probably think that the object of his explanation might rather have been to excuse the delay which occurred in bringing it forward than to account for its being brought before them now.

The Bill repealed all existing laws relating to the subject, and was necessarily of considerable length. The subjects which it embraced were these:—

It provided for the administration of the law by the ordinary Revenue officers; and authorized the appointment of special officers when Government might think necessary.

Then followed rules for distilleries managed after the European method, for the levy of duties, and for the free exportation of spirits, with penalties for the breach of the law.

Next were provisions for the sale of such spirits, and of imported wines and spirits under license.

The next division provided for the manufacture and sale of native spirits, fermented liquors, and drugs.

Then were some general rules for licensing.

Followed by penalties for breach of license, and illicit sale and possession.

Then came the powers and duties of Abkaree officers, and penalties for the abuse of them.

Then a course of procedure for trial, and adjudication of penalties.

After which, there were some Sections authorizing the duties being let in farm.

Then were some restrictions on the sale of liquors in cantonments; and lastly, authority for Deputy Opium Agents, and sub-De-

*Mr. Currie*

puty Agents, to exercise, with respect to opium in districts where the poppy was grown on account of Government, the powers of Collectors and Deputy Collectors under the Act.

These were the subjects embraced by the Bill. With respect to the greater part of them, the Bill was little more than a compilation from existing Regulations and Acts, and he should not trouble the Council with any remarks regarding them; but he must explain the course which it was proposed to adopt with respect to European distilleries.

The law relating to these distilleries was Regulation II of 1802, modified in some respects by Section II of Regulation VII of 1824, and Sections III and IV of the same Regulation.

By Regulation II of 1802, a still-head duty of six annas per gallon was leviable on the produce of each, and payable monthly, or at such other periods as the Calcutta Justices of the Peace, under whose control the distilleries then were, might direct. By Section II Regulation VII of 1824, some of the provisions of Regulation II of 1802 were modified; and amongst other things the Government was authorized to prescribe rules relative to the payment of the duty chargeable. Then Section II provided that

"All persons receiving a license for the retail sale of spirits manufactured at any European distillery, shall pay a duty to the Government of such amount per gallon as shall, with the still-head duty, equal the highest amount payable, under the rules of Regulation X of 1813, on spirits manufactured at the sudder distilleries of the district in which such retail sale shall be conducted, or at the nearest sudder distillery, if there be none within the district, due allowance being made for the difference in the strength of the spirit."

The sudder distilleries here spoken of were enclosed buildings at the sudder stations, or other fixed places, in which spirits might be manufactured by native distillers according to the rude process usual in the country.

In the spirit, but not according to the letter, of this law, it had for many years past been the practice to take a consolidated still-head and Abkaree duty of eight annas a gallon upon all spirits passed from a European distillery, and not intended for exportation. It would be observed that this consolidated duty was, properly speaking, leviable only on spirits sold by retail vendors, and that it was not, therefore, strictly correct to take it upon all spirits passed from a distillery without reference to their destination.

But, at the same time, it was quite necessary that this should be done, if it was intended that all spirits that passed into consumption by retail sale should pay the eight annas duty.

It was now proposed to give legal sanction to this practice, and at the same time to raise the duty on all spirits intended for local consumption, from 8 annas the wine gallon to 1 Rupee the imperial gallon. The present rate of duty as respects spirits sold by retail dealers was, in fact, lower than the law required. For 8 annas was the usual rate of duty upon Native spirits manufactured at sudder distilleries; and, as that spirit, owing to the rudeness of the implements with which it was distilled, seldom exceeds a strength of twenty-five degrees below proof, the duty upon proof spirit, according to the provision of the law which requires allowance to be made for difference of strength, should not be 8 annas, but 10 annas 8 pie. To this about 2 annas should be added for the difference between the wine and the imperial gallon, making the proper rate of duty under the existing law something less than 13 annas.

But the Board of Revenue had recommended, and he quite agreed with them, that the rate of duty on spirits from European distilleries should not be less than 1 Rupee. When the still-head duty was fixed at 6 annas, the customs duty on imported spirit was only  $3\frac{1}{2}$  per cent. *ad valorem*. It was now Rupees 1-8; and while imported spirits paid a customs duty of Rupees 1-8 per gallon, there appeared to him to be no reason why country-made spirits of equal strength should not pay an excise duty of at least 1 Rupee per gallon. Under the discretion allowed them by Act XI of 1849, the Board of Revenue had, in fact, fixed 1 Rupee as the rate of duty on such spirits sold for consumption in Calcutta, and recommended that this rate should be made general. The Bill accordingly provided for this rate. If it should pass the second reading, it would be for the Select Committee to determine whether it was the most suitable rate that could be selected.

He ought also to mention, in connection with this subject, that, while the law allowed only a drawback of half the still-head duty upon spirits exported by sea, it had long been the custom to allow spirits to be removed from the distilleries under bond, and exported without the levy of any duty at all. It was necessary to legalize this practice; and, in doing so, he had provided that, whenever duty had been paid, a draw-

back of the whole amount should be allowed. Of course, the operation of this provision would be extremely rare, because exporters would continue to export, as they had hitherto done, under bond.

The adjustment of the duty on country spirits, liquors, and drugs, he had left, as at present, to the Executive. In the North-Western Provinces and in Behar, the duties on these articles were generally let in farm. In Bengal, for the last 12 or 13 years, they had been collected immediately by Government officers; but, even in Bengal, the duties upon different articles were not all fixed on the same principle. In some cases—as that of spirits made at Sudder distilleries, which were under the control of Government officers—the duty was at a fixed rate upon the quantity passed for sale; and it was the object of the Board of Revenue to introduce this principle wherever it might be found practicable. But it was not apparent how it could be applied to village stills, over which no efficient control could be exercised, nor to the native fermented liquors. The practice with respect to them, was to grant the privilege of sale in a given locality to the person who made the best offer for it, and to leave him uncontrolled as to the quantities that might be sold.

With respect to these articles, therefore, he did not propose to make any change of principle. In this, as in other parts of the Bill, he had introduced many additions and alterations of detail, which he hoped might be considered improvements; but he did not think it necessary to detain the Council with any observations respecting them. If the Bill should pass a second reading he should, of course, be prepared to explain them to the Select Committee.

He believed that, as this Bill affected the Revenue, the motion for the first reading required to be seconded; and he trusted that the Honorable Member opposite (Mr. Grant) who, in another capacity, had so strongly urged this measure, would honor him with his support.

MR. GRANT seconded the motion, and the Bill was then read a first time.

#### BILLS OF EXCHANGE, &c.

SIR JAMES COLVILLE moved the second reading of the Bill “to facilitate the remedies on Bills of Exchange, Hoondies, and Promissory Notes by the prevention of frivolous or fictitious defences to actions thereon in her Majesty’s Supreme Courts.”



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

SIR JAMES COLVILLE moved that the above Bill be referred to a Select Committee, consisting of Mr. Dorin, Sir Arthur Buller, and the Mover.

Agreed to.

#### MARRIAGE OF HINDOO WIDOWS.

MR. GRANT moved the second reading of the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows." In doing so, he said that, as he had explained at length the principle of the Bill on the motion for the first reading, he did not think it necessary to detain the Council with any further observations upon it on this occasion. He had allowed the Bill to lie over for some time, because he had thought it right that a measure of this nature should not have the appearance of being hurried through the Council. The Bill, however, had now been for two months before the public, and Hindoos had had ample time to consider the measure even in the most remote provinces of the Empire.

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

MR. GRANT moved that the Bill be referred to a Select Committee, consisting of Sir James Colville, Mr. Elliott, Mr. LeGeyt, and the Mover.

Agreed to.

#### LAND CUSTOMS (BOMBAY).

MR. LEGEYT postponed the motion, which stood in the Orders of the Day, for the second reading of the Bill "to amend Act No. II of 1852".

#### COGNIZANCE OF OFFENCES.

MR. ALLEN moved that the Council do resolve itself into a Committee on the Bill "to enable Magistrates to take cognizance of certain offences without requiring a written complaint"; and that the Committee be instructed to consider the Bill in the amended form in which it was recommended by the Select Committee to be passed.

Agreed to.

Section I repealed such regulations or other enactments as require a written complaint to the Magistrate, or the attendance of the complainant in "any offence which affects the public health, safety, convenience, morals, decency, or good order."

MR. PEACOCK moved that the words "health, safety, convenience, morals, decency, or good order" be left out of the Section.

He said, this Bill appeared to him to be a move in the right direction, but it did not go far enough. Its object was to authorize Magistrates to act, in certain cases, upon the information of a Police Officer, or any other person, to be given on oath, or upon their own personal knowledge, notwithstanding the person injured by the offence might not think it necessary to come forward and prefer a complaint upon stamped paper. The Act did not allow the Magistrate to issue a warrant on such information or personal knowledge, but only a summons requiring the person accused to appear. It applied only to bailable offences, and, as the clause now stood, to such offences only as affected the public health, safety, convenience, morals, decency, or good order. He thought that it ought to apply to all bailable offences which affected the public interests. Whatever enactment was good with regard to offences affecting the public "health, safety, convenience, morals, decency, or good order," must be equally good for bailable offences in any way affecting the public interests.

After some discussion, the Honorable Member's motion was put, and carried; and the Section, so amended, was passed.

Section II provided as follows:—

"A Magistrate, or other Officer exercising the powers of a Magistrate may, on the information of a Police officer, or other person to be given on oath or affirmation, or on his own personal knowledge, having first recorded the grounds thereof in his own handwriting, proceed against any person for any of the said offences in the same manner as if a complaint in writing had been preferred and duly deposited to."

MR. PEACOCK said, he thought this Section did not go far enough. The construction put upon the words "exercising the powers of a Magistrate," would confine the power given by the Bill to an officer having the full powers of a Magistrate. He thought that an Assistant to a Magistrate or a Deputy Magistrate ought to be able to act under this Bill in the same way as a Magistrate; otherwise a person desirous of giving information, would have to travel all the way to the Magistrate's cutcherry. He therefore proposed to extend the Section to Assistants to Magistrates, and to Deputy Magistrates. There might be some question as to the propriety of authorizing Assistants to Magistrates or Deputy Magistrates to proceed on their own personal knowledge; but he apprehended there could be none as to the propriety of authorizing them to proceed on the information of a Police officer or

any other person, given on oath or solemn affirmation. For his own part, he saw no great objection to allowing Assistants to Magistrates and Deputy Magistrates to act on their own personal knowledge under the provisions of the Section. It appeared to him that the whole Section might be fairly and safely extended to Assistants to Magistrates and to deputy Magistrates; and he should, therefore, move that the words "or an Assistant to a Magistrate, or a Deputy Magistrate, having jurisdiction over the offence," be added to the word "Magistrate" in the 2nd line of the Section.

After some discussion, the Honorable Member substituted the words "or of an Assistant to a Magistrate with special powers" in his amendment, remarking that his object was merely that any judicial officer who could now deal with an offence affecting the public interests on a complaint being preferred to him on stamped paper, by the party injured, should have the power to deal with it on the information upon oath of a Police officer, or on his own personal knowledge.

The amendment was then put, and agreed to.

MR. PEACOCK next moved that the words "such offence" be substituted for the words "any of the said offences" in the Section, in consequence of the amendment introduced in Section I.

The motion was carried, and the Section, so amended, was passed.

Section III provided that

"All proceedings under this Act of Magistrates and Officers exercising the powers of a Magistrate, shall be subject to the like appeal as other proceedings of such Magistrate and Officers."

MR. PEACOCK moved that the words "of Magistrates and officers exercising the powers of a Magistrate" be left out.

Agreed to.

The Preamble and Title were severally amended so as to correspond with the Sections in their altered form.

The Council having resumed its sitting, the Bill was reported with amendments.

The Council adjourned.

*Saturday, January 26, 1856.*

PRESENT.

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

Hon. Sir J. W. Colvile,	D. Elliott, Esq.,
H. E. the Commander-in-Chief,	C. Allea, Esq.,
Hon. J. P. Grant,	P. W. LeGeyt, Esq.,
Hon. B. Peacock,	E. Currie, Esq., and
	Hon. Sir Arthur Buller.

The following Message from the Most Noble the Governor General was brought by MR. PEACOCK, and read:—

MESSAGE No. 65.

The Governor General informs the Legislative Council, that he has given his assent to the Bill which was passed by them on the 22nd December 1855, entitled "A Bill to prevent the sale or exposure of obscene Books and Pictures."

By Order of the Most Noble the Governor General.

CECIL BEADON,

*Secy. to the Govt. of India.*

FORT WILLIAM,  
The 21st January 1856. }

SALES OF LAND FOR ARREARS OF  
REVENUE (BENGAL).

MR. GRANT moved the second reading of the Bill "to improve the law relating to sales of Land for arrears of Revenue in the Bengal Presidency."

MR. CURRIE said, he had no intention of opposing the second reading of this Bill. On the contrary, he greatly desired, not only that it should be read a second time and published for general information, but also that the greater part of its provisions should be eventually adopted by the Council. But he wished to take this opportunity of saying that he did not give his adherence to those provisions of the Bill which related to the treatment of under-tenures. So far as he could see at present, he much preferred the original suggestion of the Bengal Government. That suggestion, as described in the Statement of Objects and Reasons, was to the following effect:—

"That all under-tenures, though created since the settlement, and at whatsoever rents, should hold good so long as the parent estate should prove to be saleable at public auction, for an amount equal to any arrear of revenue that might accrue upon it; and that, whenever this should cease to be the case, the parent estate should be forfeited to Government, who would thereupon make a re-settlement of the whole of it."

He (Mr. Currie) said, he preferred this to the plan proposed in the Bill, by which, after survey and registration, the tenures would stand with the jumma, or rent, fixed in perpetuity, even though the parent estate should fall into the hands of Government for want of a sufficient bid at a sale for arrears