

Saturday, 18th April, 1857

PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

VOL. III.

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1857.

stood that the Honorable Member in charge of the Bill proposed a separate and distinct arbitration. The first was a class of interests which he understood the Honorable Member to say he thought should not be included in the Bill. He (the Chief Justice) was prepared to allow parties in either case, if they agreed to submit to an arbitration, to have their disputes settled by Arbitrators; but he was not prepared to allow forced arbitration.

After some conversation, the Chief Justice withdrew the Motion he had made, and Mr. Peacock moved the following as an amendment on the new Section moved by Mr. Allen:—

“That the Bill be referred back to the former Select Committee, with instructions to settle the same upon the principle of leaving it optional to persons having conflicting claims to refer such claims to arbitration or not, and that the further consideration of the Bill be postponed until after the Bill, as proposed to be amended, shall have been circulated amongst the Members of the Council.”

Agreed to.

#### BOMBAY UNIVERSITY.

MR. LEGEYT moved that the Bill “to establish and incorporate an University at Bombay” be referred to a Select Committee consisting of the Chief Justice, Sir Arther Buller, and the Mover.

Agreed to.

Moved by the same that the Standing Orders be suspended to permit the Select Committee to present their Report at the expiration of four weeks from the date of the publication of the Bill.

The Chief Justice seconded the Motion, which was then agreed to.

#### NOTICES OF MOTIONS.

MR. ELIOTT gave notice that he would, at the next Meeting of the Council, move for a Committee of the whole Council on the Bill “for the more extensive employment of Unconvenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George.”

Also for the adoption of the Report of the Select Committee on the Bill “for repealing Act I of 1844.”

On the motion of the CHIEF JUSTICE, the Council adjourned till Saturday the 18th Instant.

*The Chief Justice*

Saturday, April 18, 1857.

#### PRESENT:

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

Hon. Major General	C. Allen, Esq.,
J. Low.	P. W. LeGeyt, Esq.,
Hon. J. P. Grant,	E. Currie, Esq.,
Hon. B. Peacock,	and
D. Elliott, Esq.,	Hon. Sir A. W. Buller.

#### SONTHAL DISTRICTS.

THE CLERK presented a Petition of David Andrew and of Hindoo Inhabitants of Kankjole praying that certain districts now subject to the provisions of Act XXXVII of 1855 (entitled “An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others and to place the same under the superintendence of an officer to be specially appointed for that purpose”) may be restored to the jurisdiction of the Regulation Courts.

Also a Petition from two Zemindars of Pergunnahs Ashwar and Sultanabad, with a like prayer.

Also a Petition of Inhabitants of Thannah Nurai, with a like prayer.

#### CIVIL PROCEDURE (BENGAL).

Also a Petition of Zemindars, Ryots, and Mahajuns of Beerbhoom against such portions of the Bill “for simplifying the Procedure of the Courts of Civil Judicature of the East India Company in Bengal” as relate to the jurisdiction of Moonsiffs.

Also a Petition of Zemindars, Mahajuns, and residents of Midnapore praying that provision might be made in the above Bill for retaining a Moonsiff in that Town.

MR. PEACOCK moved that these Petitions be printed, and referred to the Select Committee on the Bill.

Agreed to.

#### HINDOO POLYGAMY.

THE CLERK presented a Petition signed by the Honorary Secretary to the Association of Friends for the promotion of Social Improvement praying (with certain reservations) for the abolition of Hindoo Polygamy.

MR. GRANT moved that it be printed.

Agreed to.

#### SALES OF LAND FOR ARREARS OF REVENUE (BENGAL).

THE CLERK presented a Petition from several Protestant Missionaries residing in and near Calcutta in favor of the Bill "to improve the Law relating to sales of land for arrears of Revenue in the Bengal Presidency," and for other measures necessary for the protection of the Ryots.

MR. GRANT moved that it be printed, and referred to the Select Committee on the Bill.

Agreed to.

#### MOFUSSIL SMALL CAUSE COURTS.

THE CLERK reported that he had received from the Home Department of the Government of India an extract of a Despatch from the Honorable Court of Directors on the question of establishing Small Cause Courts in the Mofussil.

#### ACQUISITION OF LANDS FOR PUBLIC WORKS.

MR. ALLEN presented the Report of the Select Committee on the Bill "for the acquisition of land for public purposes." According to the arrangement made at the last Meeting, he said, the amendments recommended by the Select Committee had been printed and circulated, and every Honorable Member had received a copy of the Bill in the form in which they now proposed to submit it for adoption.

#### SONTHAL DISTRICTS.

MR. CURRIE presented the Report of the Select Committee on the Bill "to amend Act XXXVII of 1855." Some Petitions had been presented with respect to the Bill this day. They had been seen by the Select Committee, who thought it scarcely necessary that they should be printed. Amongst the connected papers was a Petition to the same effect as that received from Sultanabad; and the Select Committee had mentioned its general substance in their Report.

#### COMPULSORY LABOR (MADRAS.)

MR. ELIOTT moved the first reading of a Bill "to make lawful compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of customary labor to certain works of irrigation in the Presidency of Fort St. George."

In doing so, he said, on the second reading of the Bill introduced by the Honorable Member on his left (Mr. Grant) to amend the Law regarding the provision of carriage and supplies for troops and travellers, and to punish unlawful impressment, he had observed that the Bill permitted impressment on emergency under certain provisions and restrictions in two cases only, connected with the movement of Troops; but that it appeared to him that there was another case of emergency which it would be proper to provide for—that of sudden and serious damage occurring to tanks, rivers, channels, or other works, where, for the general good, immediate repair was of urgent necessity. He had said that the Madras Government had strongly represented the necessity of a power being vested in the Executive to press labor for this purpose. He had referred, for instance, to the case of a breach in the embankment of a river, which must be instantly stopped, or the whole neighboring country would be liable to devastation. In such cases, he had said, it had always been found necessary to press labor on the instant, in order that public mischief might be averted. But in the face of Section II of the Bill, and Clause 76 Chapter 16 of the Penal Code, this could not be done unless provision were made for legalizing compulsory requisitions for labor in such cases. He had thought at the time that this might be effected by an additional Section introduced into the Bill excepting such cases from the prohibition contained in Section II, supposing the Bill to be extended so as to include Madras, or a similar Bill to be proposed for Madras. But having since communicated with the Government of Madras on the subject, he had been informed that, in their opinion, it was advisable to give a positive authority for resort to compulsory labor on such emergent occasions by a separate Law.

The Madras Government had also expressed a strong opinion of the necessity of a Law for enforcing the obligation which by custom lies upon the village communities to afford the labor necessary to keep in repair the smaller water-courses within their bounds, leading from the main irrigation channels maintained at the expense of Government.

He had, therefore, prepared the present Bill, in which provision was made for both those objects.

With respect to the first object—namely, to make the compulsion of labor lawful—he begged to read some paragraphs of a letter from Mr. Forbes, Collector of Tanjore, acting, at the time he wrote it, as a Member of the Board of Revenue on deputation, which would be printed in the Appendix to the Bill:—

“In ordinary seasons, it is not often that a river breaks its banks; but when a breach occurs, the necessity for closing it is emergent. Omitting all irrigating and surplus channels, as far too numerous to mention, there are in Tanjore not less than a hundred and five rivers: the district is a small one: and it is obvious that, if a breach in the bank of one be not closed before its waters have burst into another, that other, unable to contain the additional flood thus poured into it, must break, and in its turn empty its accumulated contents into a third, until from North to South would be one wide scene of desolation.

“The heavy loss of life and property that must inevitably result from the waters of a large river forsaking their accustomed course, and sweeping over the face of the country, is by no means all that is suffered. Much land is permanently injured by the sand which the river deposits in its course; and the whole of the cultivation below the breach which depended on irrigation from the river, is deprived of its supply of water.

“The great emergency of the occasion arises from the rapidity with which a breach enlarges if left to the action of the water. In 1834, the Coodamoorty breached its banks to the extent of ten yards; and notwithstanding that every available measure was adopted to arrest the evil, the breach had widened to eighty yards before it could be closed. On this occasion, 400 trees, 6,000 bamboos, 30,000 cocoanut leaves, and 13,000 bundles of straw were expended, besides an outlay of 3,000 Rupees in the laborers' wages. The hurricane of 1853 occasioned 170 breaches; and, as I was Collector of the District at the time, I may take upon myself to assert, and I know that Major Lawford, who was then the Civil Engineer, will support the assertion, that, had not authority been exerted to repair the general damage, the cultivation of the ensuing year would have been very generally arrested.

“But the difficulty now felt probably does not arise from inability to admit the necessity for closing a breach, but from unwillingness to admit that it is necessary to force labor for the purpose. To this point, therefore, I shall now briefly advert.

“A breach may occur in the limits of a small village, the population of which is wholly inadequate to arrest the progress of the evil, or in the eastern part of a large village. To all whose lands are situated above it—that is, to the west—the breach is of no concern; and to give notice to those below it, whose cultivation depends on the water maintaining its usual course, would, by delay, cause such extension of the evil as no after efforts could retrieve. Moreover, in Tanjore, where the entire surface of the delta is cultivated, there is no spare labor; every landowner has his own farm servants; and, as the time of the freshes is also the season of cultivation, not a man will spare his laborers from his fields, if his own individual interest be not at stake. When a breach occurs, trees must be felled, straw must be had, and labor must be procured. Those interested are at too great a distance to supply either; those at hand are too selfish; and, unless authority be exercised, the breach must spread, the lands must be destroyed, villages must be swept away, and cultivation must be arrested.

“Hitherto the Collector's authority has never been questioned, and the established custom of the country has been followed. But when the Executive is transferred to the Civil Engineer, it is very questionable if the same obedience will be shown; and therefore it is that those who know the people, and are acquainted with the wants of the Province, have advocated a legislative Act.”

In this Bill, what was proposed was to make the compulsion of labor lawful in the emergencies indicated; namely, when there was imminent danger of a destructive inundation from an anticipated breach in the embankment of a tank, river, or canal, or of an anicut or other like work, or when a breach had occurred, which, unless it were instantly stopped, would cause such an inundation. In such cases, and such only, it was asked that power might be given to the local authorities to cause a levy *en masse* of the laboring classes in the adjacent village or villages, to throw their labor on the embankment in such a manner as to prevent the impending danger, or to repair the breach which had occurred in time to stop the progress of the mischief already begun.

It was intended that the heads of villages should call on the laborers of their villages for their services on such emergencies on the requisition of the Officer in charge of the tank, or other

work, or of the Tehsildar; or, if neither of these Officers was on the spot, and the emergency admitted of no delay, on the demand of the Head of the village in which the danger arose. The Government of Madras insisted on—

“the absolute necessity of giving to the Heads of villages the power to make, of their own motion, a requisition for labor on emergency. That the matters to be provided for are emergent, and will not brook delay, is the sole ground on which the Government rest their demand for an Act to legalize forced labor; and if the power of immediate action be denied to the local Officer, and must be obtained from some superior who may at the moment be many miles away, the evil to be averted will be done before preventive measures are commenced, and the Act, when it is passed, will be of no practical use.”

No force was to be used to compel the laborers to work when they were so called upon; but they would be liable to fine or imprisonment, or both, if they refused or neglected to do so, on conviction before an Officer vested with the jurisdiction of a Magistrate. The laborers were to be paid at remunerating rates from the public Treasury.

Provision was made in the Bill for compulsory requisitions on the inhabitants of the villages for the supply of materials for stopping breaches—an authority which appeared to be nearly as necessary as that for compelling labor. Such materials were to be taken at once, and receipts given for them, on which payment was to be made from the public Treasury.

On this head, also, he would read certain observations which had been recorded by Mr. Forbes:—

“I take leave to recommend that a Section be added to make it lawful to take materials as well as labor to stop a river-breach. Cocoa-nut trees, leaves, and straw are as essential as labor. Each individual is naturally desirous that his own should be spared, and those of his neighbor taken; and if the question be asked, it is certain that no one will consent. It is not an exaggeration to say that every minute is important when a breach has been made; and arbitrary as it may appear to seize the goods of individuals, the measure is absolutely necessary, not for the security of the revenue only, but for the preservation of the property of all. ‘*Salus populi suprema lex;*’ and I believe that the legal maxim is unhesitatingly acted upon on occasion of a fire in any large town in England, when houses are pulled down, with or without their owners’ permission, to arrest the progress of the flames, and prevent a general conflagration.”

So, it was also provided in the Penal Code, c. 4, s. 55:—

“Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith, for the purpose of preventing or avoiding other harm to person or property.”

And the Illustration was

“A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention and good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to justify A’s act, A is not guilty of an offence.”

The second object of this Bill, which was deemed of great importance by the Madras Government, was to provide for the enforcement of customary labor for the purpose of irrigation and drainage. The burden of maintaining the great works of irrigation, such as the embankments of the large tanks spread over the country, the embankments of rivers and canals, the anicuts by which the waters of the rivers were arrested and forced into lateral channels, and the channels by which they were conducted to the villages, rested on the Government; and, by the custom of the country, it was, on the other hand, incumbent on the village communities to keep in repair the water-courses leading from those main channels to the fields.

“It has, from time immemorial,” said the Madras Government, “been the custom for the ryots of many of the districts in this Presidency, to perform, at their own cost, the petty repairs required to the channels by which their lands are irrigated; and the plan has been so systematized in Tanjore, where irrigation is general, that it is a fixed, known, and admitted rule that, while the Meerassidars clear out and repair all the minor channels by which water is led from the main channels to the fields, they also clear and repair the main channels when the expense of the work does not exceed 2½ per cent. of the revenue derived from the village. This long established custom has wanted only a formal enactment to give it the force of Law; and that formality being refused, the Government are of opinion that, at no distant day, the custom itself will cease. With its cessation, the expense of all the repairs hitherto made by the people must be provided by the State; and the expenditure of this Government in the Department of Public Works will in consequence be much increased. As long as the Public Works Executive was under the Collector, his authority was sufficient, and the general custom of the country was followed

without a question; but when the Executive shall have been transferred to professional agency, and the exercise of the Collector's authority is at an end, the Government are of opinion that, without the aid of the Law, all unpaid labor will cease."

Instead of making the refusal or neglect of the villagers to fulfil their duty in this respect a penal offence, the Bill proposed that, the work being done by other means, the recusants should be liable for the expenses incurred in the execution of it, which, in case of dispute, were to be determined by a Panchayet assembled by order of the Collector through the village or district Moonsiff, as provided by Regulation XII of 1816, in case of disputes regarding the occupying, cultivating, and irrigating of land. In this, the Bill followed the principle of Section LXVIII of the new Conservancy Act, which provided that where the owner of a house neglected or refused to execute any work required of him by the Commissioners for the public good, the Commissioners might themselves have the work executed, and recover the costs from him.

With these remarks, he begged to move that the Bill be read a first time.

The Bill was read a first time.

#### ACQUISITION OF LANDS FOR PUBLIC WORKS.

MR. ALLEN moved that the Bill "for the acquisition of land for public purposes" be recommitted to a Committee of the whole Council, 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 XXIV were passed as they stood.

MR. PEACOCK said, before Section XXV was proposed, he should move that a new Section be introduced. Section XXIV said—

"When any land is taken under the provisions of this Act, the amount of compensation to be awarded shall include any damage which may be sustained by any of the persons interested therein in respect of any adjoining land held therewith."

That was to say, it should include the kind of compensation which was usually called compensation for sever-

ance. If, for instance, a person was entitled to a piece of land, and a portion of it only was taken for a public purpose, he might sustain damage by reason of a portion of what remained in his possession being severed from the remainder of it by the land which was taken, and he might have a right to compensation for such severance in addition to the actual value of what was taken. There might also be the case of damage sustained by reason of being turned out of the land taken. A person might be carrying on a profitable business in a particular house standing on the land, and he might be compelled to quit it, and to remove machinery erected for the purpose of his business. In England, he would be entitled to compensation for any loss which he might sustain in removing his business, in addition to the actual value of the house sold. Several persons might be interested in a house or land taken under this Act. One person might be entitled as a lease-holder for twenty-one years; another as having an interest for life; and a third as having a reversionary interest. But in such a case the only person who would be entitled to compensation for the loss of the business would be the man carrying on that business; and, therefore, it appeared to him that, when land was taken under this Act, and compensation beyond its actual value was assessed for special damage sustained, the award ought to specify what was the amount assessed as the value of the land, and what the amount assessed as compensation for the special damage, and to whom such compensation should be paid. Under the Bill, when the Collector made an award, or directed a reference to arbitration, the land would be vested in the Government, and any dispute regarding the apportionment of the amount awarded would be determined by the Civil Court. The award would be conclusive both with respect to the actual value of the land and to the amount of compensation for special damage sustained. All that the Civil Court would have to do would be to divide the money paid in amongst the several claimants according to their respective interests. To enable the Civil Court to do that, the award ought to specify how much was assessed as the value of the

land, in which the several claimants were to share, and how much as the amount of compensation for special damage, the whole of which was to be paid to the particular individual who had been injured. He therefore proposed that the following new Section be introduced after Section XXIV :—

“If any compensation beyond the value of the land be awarded on account of any damage which may be sustained by any person interested in the land, the award shall specify the value of the land and the amount of such damage separately, and also the name of the person to whom the compensation for damage is to be awarded.”

The Section was agreed to.

Sections XXV to XXVIII were passed as they stood.

Section XXIX provided that the principal Civil Court of original jurisdiction might, upon application by petition, and after due investigation, make such order as to the disposal of money deposited as compensation for land as it should deem fit, and that the order should not be subject to appeal; but that the party against whom it might be made, should be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

MR. PEACOCK said this was an old Section; but, on going through the Bill, it appeared to him that probably considerable, certainly some, alteration would be necessary in it. This Act was intended to apply, not only to the Mofussil, but also to the local limits of Her Majesty's Supreme Courts of Judicature. The provision that the party against whom an order was made might bring a regular suit to establish his right, might be all very well as respected the jurisdiction of the Mofussil Courts; but it would not apply to the jurisdiction of the Supreme Courts. When a summary suit was decided in the Mofussil, the losing party, if he wished to get rid of the decision, must file a regular suit. Inasmuch as the application referred to in this Section must be made to the principal Civil Court of original jurisdiction, the applicant must go to the Zillah Judge. The Zillah Judge would have to determine the rights of the parties to the land in order to determine their rights to the money which had been deposited in lieu of the land. His (Mr. Peacock's) own

opinion was that it would be much better to leave the rights of the parties to the money in deposit to be determined by the same Court which would have had jurisdiction in determining their rights to the land had the land not been taken. The process which the Bill proposed would force the parties into more litigation than they would otherwise be subjected to. If, for instance, the amount in deposit in lieu of the land was under three hundred Rupees, the applicant, under this Section, must go to the Zillah Judge's Court, and from the decision of that Court no appeal would lie to the Sudder Court, but a regular suit must be instituted if the decision were objected to. In such a case, there would be a regular suit in the Moon-siff's Court to upset the decision of the Zillah Judge. From that Court, a regular appeal would lie to the Zillah Judge; and from the Zillah Judge, a special appeal would lie to the Sudder Court. So that, before the case was finally determined, there would be four processes to go through—namely, the application to the Zillah Court by petition, the regular suit, an appeal to the Zillah Judge from the decision in that suit, and an appeal to the Sudder Court from the Zillah Judge; whereas, if the ordinary procedure were followed from the beginning, there would be but three steps to be taken—namely, a regular suit, a regular appeal, and a special appeal.

If, however, the Council should think that it would be better to let the Section stand as it was as regarded the Mofussil, an alteration in the Section would be necessary with respect to the jurisdiction of the Supreme Courts. The Supreme Court would make an order in a summary manner. There would be no appeal from that order. But, under the Section as it stood, the party against whom the order was made might bring a regular suit to establish his right. To what Court was that regular suit to lie? To the Supreme Court? It appeared to him that such a course would not be advisable; and that, in all cases within the jurisdiction of the Supreme Courts, if the amount of compensation awarded were above five hundred Rupees, the parties should proceed either by Motion or Petition in Court; and that, if the

amount were under five hundred Rupees, the Small Cause Courts should be allowed to determine summarily the rights of the parties.

He should, therefore, move that Section XXIX be omitted, in order that the following might be substituted for it:—

“The order shall be obtained in the Court which would have had jurisdiction in respect of the land taken.”

If this were adopted, it would be necessary to adopt the amendment he had indicated with respect to the Supreme Courts.

MR. CURRIE said, for his own part, he had no objection to the course proposed by the Honorable and learned Member in regard to the Mofussil; but he felt a doubt as to the suggestion respecting the Small Cause Courts. Those Courts had no jurisdiction in cases of title to lands. Would it be right to give them jurisdiction in cases in which, though the immediate subject of dispute would be the right to the money in deposit, the virtual question involved would be the title to the land for which the money was substituted?

MR. PEACOCK said, he did not know that there was any great objection to giving them the jurisdiction proposed.

The amount on which they would adjudicate would be very small—under five hundred Rupees; and he thought that it would be better to leave it to them to determine claims in such cases, than to drive the parties into the Supreme Courts. He knew that the late Chief Justice (Sir Lawrence Peel,) was willing to confer on the Small Cause Court a jurisdiction in partition suits where the amount in question did not exceed five hundred Rupees.

After some conversation, MR. PEACOCK moved that the words he had proposed in substitution of Section XXIX be added to Section XXVIII.

MR. ALLEN said, the object in introducing Section XXIX was to obviate stamp dues, and secure a summary adjudication of claims without much expense. His impression was that, in a very large majority of cases, the summary orders made by the local principal Civil Courts of original jurisdiction would be sufficient; and such orders could be obtained without pay-

ment of stamp fees, or the costs of a regular suit. At the same time, if it was the wish of Honorable Members that the first step should be a regular suit, he would not divide the Council upon the question.

MR. PEACOCK'S motion was then put and carried.

Section XXIX was put and negatived.

MR. PEACOCK moved that the following Section be introduced before Section XXX:—

“If the land taken be within the local limits of any of Her Majesty's Supreme Courts of Judicature, and the amount of compensation awarded do not exceed five hundred Rupees, the order may be made by the Court of Small Causes.”

Agreed to.

The remaining Sections of the Bill, with the Preamble and Title, were passed as they stood.

The Council resumed its sitting.

#### UNCOVENANTED SERVANTS (FORT ST. GEORGE.)

MR. ELIOTT moved that the Council resolve itself into a Committee on the Bill “for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George;” and that the Committee be instructed to consider the Bill in the amended form in which it had been recommended by the Select Committee to be passed.

Agreed to.

The Bill passed through Committee without amendment; and the Council having resumed its sitting, both the Bills were reported.

#### NAWAB OF THE CARNATIC.

MR. ELIOTT moved that the Report of the Select Committee on the Bill “for repealing Act I of 1844” be adopted. As the Report was very short, he begged permission to read it:—

“We, the Select Committee on the Bill “for repealing Act I of 1844,” have the honor to report as follows.

“Petition of Govindar Doss, Soucar and Merchant of Madras, dated 26th December, 1856.

“Petition of Soojun Mool Lalah, Soucar of Madras, dated 27th idem.

“We have had under consideration the Petitions and papers noted in the margin.”

“We find that, since the publication of this Bill, the Supreme Court of Judicature at Madras



"From Government of Fort Saint George, 1857, and enclosures.

"From Ditto, dated 24th idem, and enclosures.

has decided that Act I of 1844 was a personal Statute, which upon the death of the late Nawab of the Carnatic ceased to have any operation. It having thus been pronounced judicially that the said Act is already extinct, it appears unnecessary to repeal it formally.

"On the supposition that a Law was necessary to repeal the Act, it was intended by the Bill for that purpose to make an exception as to all contracts made, liabilities incurred, and acts done, prior to the repeal, by persons privileged under the provisions of the Act, in accordance with the opinion of the Government of India that great injustice would be done if the family of the Nawab were now made liable for debts contracted under the law. But as, by the decision of the Supreme Court, it appears that the protection of the persons referred to was confined by the law to the life-time of the Nawab, it would be virtually to give them a new privilege, *ex post facto*, to repeal the Act with an express provision to the same effect as the intended reservation."

The Motion was carried.

#### ACQUISITION OF LANDS FOR PUBLIC WORKS.

MR. ALLEN gave notice that, on Saturday next, he would move that the Bill "for the acquisition of land for public purposes" be read a third time and passed.

#### UNCOVENANTED SERVANTS (FORT ST. GEORGE.)

Also that, on the same day, he would, in the absence of Mr. Elliott, move that the Bill "for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George" be read a third time and passed.

The Council adjourned.

Saturday, April 25, 1857.

#### PRESENT :

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

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

VOL. III.—PART V.

#### CATTLE TRESPASS.

THE CLERK presented a Petition from Mr. C. F. Chamier, a Member of the Civil Service on the Madras Establishment. The Petitioner forwarded a draft enactment relating to Trespases by Cattle, as containing provisions better suited to the Presidency of Madras than those of Act III of 1857.

MR. CURRIE said, it appeared to him that it would have been better if the Memorialist had communicated his suggestions to the Select Committee while the Bill was under their consideration, or, failing that, had waited to see how Act III of 1857 did work in the Presidency of Madras. The Act had not been brought into operation yet; and it seemed premature, before it was brought into operation, to propose a new Law on the same subject for the Madras Presidency only.

#### BRIBERY (BOMBAY).

THE CLERK reported that he had received a communication from the Officiating Under Secretary to the Government of India in the Home Department forwarding for consideration, in connection with the state of the Law regarding Bribery, a copy of a correspondence with the Government of Bombay and of an Extract of a Despatch from the Honorable the Court of Directors relative to the case of a Patell in the Mahee Kanta who entered into a corrupt arrangement with two persons in Bombay (one of whom was a Clerk in the Political Department) for the purpose of obtaining redress from the British Government against the acts of his own Government.

MR. PEACOCK moved that these papers be printed and referred to the Select Committee on "The Indian Penal Code."

Agreed to.

#### ACQUISITION OF LANDS FOR PUBLIC WORKS.

MR. ALLEN moved that the Bill "for the acquisition of land for public purposes" be read a third time and passed.

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

R