

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

VOL. 4

JAN. - DEC.

1865

P. L.

Abstract of the Proceedings of the Council of the Governor-General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Friday, the 1st December 1865.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, c. b.

The Hon'ble J. N. Bullen.

The Hon'ble W. Muir.

The Hon'ble Mahārājā Dhīraj Mahtab Chand Bahādur, Mahārājā of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

The Hon'ble MR. GORDON took the oath of allegiance, and the oath that he would faithfully discharge the duties of his office.

RAILWAY ACT AMENDMENT BILL.

The Hon'ble MR. TAYLOR in moving for leave to introduce a Bill to amend Act No. XVIII of 1854 (relating to Railways in India), said that experience had shown that the Act, even as amended by the subsequent enactment No. LII of 1860, was inoperative in a certain class of cases which ought to be plainly provided for by law, both in the interest of the public and of the Railway Companies.

First of all, the preamble of the existing Act limited its application to Railways under the superintendence and control of the State. It was desirable that it should now be made applicable to all Railways and tramways in India,

used for the public conveyance of goods and passengers, and also to portions of lines passing through Foreign territory, so far as that might appear to be expedient or necessary.

Then difficulties had been found to exist both as regarded the infliction of penalties for disturbances or breaches of the peace, or for any act tending to inconvenience the public or obstruct the Railway Officers in the performance of their duty; and also in respect of the recovery of fines and forfeitures for omissions or offences by the servants of the Companies.

Further there was nothing in the present law to prevent a Railway being used for the conveyance of passengers and goods before it had been declared by a responsible Government Officer to be in a fit state for public traffic: nor was there any provision for the punishment of omissions or offences committed in respect to accidents happening on such unfinished portions of lines as, though open for the conveyance of Railway materials, were not open to public traffic.

To provide for these and other matters, a Bill was drafted about three years ago, into which such amendments of the existing law as seemed to be practically required were introduced. That Bill was referred for the opinion and suggestions of the Local Governments, from all of whom replies had now been received.

The Bill which he now asked His Excellency's permission to introduce, would be so drawn as to incorporate the provisions of the Draft Bill of 1862 with the existing Acts and with such additions and amendments as seemed necessary. It was proposed to repeal Acts XVIII of 1854 and LII of 1860 in toto, and to consolidate the law relative to Railways in India into one comprehensive enactment.

Thus the Bill would provide plain and practical rules in all matters relating to passengers and goods, for the better protection of the servants and property of the Companies, and for the greater convenience and safety of the public, than was secured under the present law.

He would only add that, looking to the continued and rapid expansion of our magnificent system of Railways in India, it seemed very desirable that the law which governed their working and their management in relation both to the public and to the Companies, should be placed as early as might be practicable on a really satisfactory footing.

The Motion was put and agreed to.

PARTNERSHIP LAW AMENDMENT BILL.

The Hon'ble Mr. MAINE, in moving for leave to introduce a Bill to amend the Law of Partnership in India, said that the Bill which he had the honour to ask leave to introduce was, with some alterations necessitated by Indian procedure, transcribed from a Statute which passed the English Parliament during the last Session. If it became law he hoped it would have the same effects as the French system of partnership *en commandite*. He had called attention at the last sittings to the subject of commanditarian partnership, not because he had a distinct proposal to offer, but because he thought opinion in England ripe for a change in the rule of liability, and because he considered that there were even more reasons for the subject to be discussed in India than called for its discussion at home. If the matter had gone further, and he had proposed that the Council should pass the only Bill which was then before the English Parliament, he should have stated that, however desirable it might be to pass the Bill as a temporary measure, there were some strong objections to it as it was framed. The Bill was well drawn in a technical point of view, but practically it adopted the whole of the French rules on the subject of commanditarian partnership; and many of these rules he considered to be greatly at variance with English commercial habits. In the first place, the necessity of publicly registering advances made upon limited liability was imposed; and although he hoped to be able to show that such advances really tended to strengthen instead of weaken the firm which received them, yet he believed that the effect of registration would be to cast discredit on the firm taking advantage of the new law, and thus the operation of the Act would be greatly narrowed. The Bill, moreover, contained the minute provisions of the French law as to the extent to which the limited partner might interfere with the business. Mr. MAINE thought it would practically be found that the persons who would most justifiably engage in commanditarian transactions, namely, the non-mercantile classes and women, would, out of mere nervousness and anxiety, and without knowing what they were doing, bring themselves within the danger of the prohibitions, and thus be involved in unlimited liability. Entertaining these objections, he would probably have added that there appeared to him a much simpler way of attaining the same end. There was only one single rule of English law—and that not a venerable rule—in the way of commanditarian investments, and he would have expressed the hope that, when the Indian Law Commissioners sent out the next part of the new Civil Code, they would be found to have omitted the objectionable rule. Happily, Parliament had followed the very course which he expected the Law Commissioners to take. It had repealed the rule in question; and in this instance had not incurred the

reproach so often directed against English legislation, that when the consequences of a legal principle become inconvenient, it never ventures to repeal the principle, but merely cuts off the inconveniences. He would read the first Section of the Bill—

“The advance of money by way of loan to a person engaged or about to engage in any trade or undertaking, upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person or the persons carrying on such trade or undertaking, or render him responsible as such.”

The rule adverted to was of course that which the Section disaffirmed. Then followed one of those convenient Explanations, invented by Lord Macaulay and introduced into the Penal and Civil Codes—

“A person who being entitled, whether as a retiring partner or otherwise, to demand and receive present payment of the value of any share or interest of or in the capital or other funds of a business shall, after the value thereof shall have been ascertained between such person and the person or persons liable to pay the same, allow the same to remain therein or to be used by such person or persons for the purposes of such business, shall be construed to make an advance of money by way of loan within the meaning of this Section.”

MR. MAINE then continued : “It would perhaps be enough if I stopped there and asked leave to introduce the Bill merely as copied from an English Statute. In matters of mercantile law it is obviously desirable that India should follow English legislation. But as it may not be clear how the objects attained by commanditarian partnership are secured by a measure like this, I will ask the Council to let me say a few words as to the probable operation of the measure.

“I will begin by stating that, in order to place the law of partnership on the reasonable footing on which it is placed by the Limited Liability Acts, it is not by any means necessary to discredit the general principle of unlimited liability between partners. Even if I thought that principle irrational—which I do not—I should never venture to interfere with it, considering the extent to which it is bound up with all English commerce. But all that is necessary is to set aside certain illogical and artificial applications of it. On what then, does the principle of unlimited liability depend? It depends on the doctrine that partners are agents for one another with full powers. And indeed it has been laid down by the House of Lords that there is no true law of partnership in England, but that partnership is merely a department of the law of agency. Just, then, as an agent with full powers can bind his principal up to the full extent of his means, so one partner acting within the sphere of the business, can bind the others up to the full extent of their powers of payment.

“If, however, we reflect, we shall see that there are some applications of the principle of agency to partnership which break down. The principle, for example, breaks down in its application to large joint-stock associations, because the very object of forming those associations, is that they may act through an agency of a totally different description, as for example a Board of Directors. There is no reason, nor has there ever been any reason, why the subscribers should not be allowed by public notice to declare the extent to which they intend to limit the power of their agents and therefore their own liability. This privilege, however, of limiting their liability was conferred on them by recent Joint-Stock Company Acts. But at the same time I think that Parliament, in passing those Acts, did not so much overturn or encroach upon as protect the rule of unlimited liability by forbidding a perverse and abusive application of it. It is still more in the interest of the general principle of liability that the rule at which the first Section of the Bill is aimed should be set aside. For it is not even a superficially logical consequence of the fundamental principle. The fundamental rule is that partners are agents for each other within the scope of their business. The derivative rule is that a man becomes a partner by stipulating for a share of the profits of a trader to whom he makes an advance. There is no apparent connection between the two propositions. And the real wonder is how the rule made its way into English law. It is not an old rule : it is no older than the time of Lord Mansfield ; and when the case which established it is examined, it becomes at once evident that the object of the Court was to defeat the law of usury. Putting aside the case of negotiable instruments, it was at the time illegal to stipulate for more than five per cent. interest, and when a person had bargained for more than the legal rate, not only did the contract fail as regarded the excess above the legal rate, but the entire contract was considered to be tainted with usury and was wholly invalid. Of course the sound ideas which now prevail on the subject of the interest of money had not fully made their way into men’s minds. But still people were to some extent alive to the fallacy underlying the usury laws, and the Courts of law exerted themselves strenuously to prevent their absurdest consequences. The readiest expedient for defeating them was to rule that the contract which was the subject of suit was not a contract of loan at all, but a contract of a wholly different description. Thus in the case before Lord Mansfield, a man had stipulated that he should be remunerated for a loan by a share in the profits of a trading firm. But it turned out on calculation that he had bargained for more than five per cent. on his advance. The legal consequence would have been that the contract was invalid. This Lord Mansfield would not allow, and, *ut res magis valeret quam periret*, ruled the contract to be one of partnership, and therefore not invalid. The rule thus established was therefore a mere legal fiction invented to serve a temporary purpose, and as usual its collateral

inconveniences were greater than its immediate advantage. It has very justly been remarked that, as the rule originated in the usury laws, so it was doomed when those laws were abolished. The state of the law now is that a man may stipulate for what rate of remuneration by way of interest he pleases, so long as the rate is calculated on the amount of the advance. If, therefore, a Calcutta merchant on retiring leaves a lakh of rupees in his house of business and bargains for eighty per cent. on his ten thousand pounds, the contract is perfectly legal, and he risks nothing more than the lakh of rupees. But if he leaves the same sum in the business and stipulates for eight or ten per cent. on the profits, he endangers every shilling and every acre he possesses. It is needless to say which is the fairer arrangement. One is perfectly just and the other sucks the very life-blood out of the firm. Yet it is the policy of the law to discourage the more equitable and to encourage the more inequitable arrangement. I venture to lay down broadly that no argument whatever can be directed against the proposed change of the law which will not tell with tenfold force against the law as it is.

“ As to possible objections to the Bill, though they are more properly dealt with at another stage, I will notice one which is very commonly taken, because, while it is extremely obvious, the answer to it is not immediately obvious to any body but a lawyer. It may be asked, if you allow persons to advance money with limited liability upon condition of sharing the profits, what security have you that capitalists will not begin to trade through clerks and agents who are men of straw, while at the same time they will risk less than other traders? I might reply by saying that capitalists might do it now if they framed their contracts properly. The best answer, however, is that this Bill provides no more than that a stipulation for a share in the profits shall not by itself constitute the lender a partner. Such a stipulation will still remain one of the *indicia* of partnership, but it will no longer be conclusive. If there is something more, if the contract bargains for such powers of interference or of removing the ostensible partners as shew that they were intended to be merely agents, or if, without reference to the letter of the contract, such powers are shewn to have in fact been exercised, in such a case there will be other ingredients present. The Courts in the exercise of their ordinary jurisdiction will no doubt apply the principle of agency and construe the lender to be the partner of the ostensible traders. And I would much rather trust the Courts to put a stop to these malpractices than introduce the minute rules of the French law which are sure to prove snares to the unwary. Meantime any merchant retiring and leaving any sum of money in his business, and merely bargaining for such a power of inspecting the books as will give him reasonable information as to the state of the firm, will be perfectly safe, and will merely risk the amount which he has deliberately staked.

"I will conclude by remarking that, even if I thought the expediency of the new law in England as doubtful, as I think it clear, there would still be special reasons for altering the rule of liability in India. In the first place I am told by a high authority that the Natives of India practise among themselves a system of commanditarian partnership, and that, for example, a capitalist in Calcutta or Delhi will advance money to a merchant in Málwá or Rájputána on condition of being remunerated by a share in the trading profits. But I hear also that the system is giving way under the influence of English law, directly in the Presidency Towns, and indirectly in the Mofussil. But it is chiefly in the interest of the European firms doing business in the Presidency Towns that I believe the new law to be desirable. I shall not be contradicted when I say that the constitution of those firms is generally as follows: There is a series of partners who come out one or two at a time. Each expects to remain a moderate time in the country, to realize a fortune, and to carry it home on retirement. If he obeyed natural motives, the retiring partner would leave a large portion of his fortune in the business, because the interest he would receive would be much more than was obtainable in open market, and because he would be apt to have confidence in partners who would succeed him and whom he has himself chosen. But this rule of English law stands in the way, and years afterwards, the indiscretion of a partner whom he has never seen may cost him the whole of his property. The direct tendency, therefore, of the existing law appears to be this. It produces withdrawals of capital on retirements of partners in a country where those retirements are extraordinarily frequent. The process is, however, insensible: the public knows nothing about it, and hence the credit and operations of the firm may remain the same as before. I know, indeed, my Hon'ble friends will doubtless tell us that the evil is much mitigated by private arrangements among the partners, under which it is agreed that retiring partners shall not withdraw more than a certain amount of capital within a certain time: and, indeed, I will add, to prevent any misconstruction of my words, that the great actual stability of the leading firms in the Presidency Towns proves that some process is going on which counteracts the tendency. Still the tendency is distinct, and we may depend that in such a case it has effect in more instances than we are aware of, and perhaps in the majority of instances. That tendency is to withdraw capital without diminishing credit, which is the most unwholesome state of things that can possibly exist in trade. This is not a speculative opinion of mine: indeed I should not venture a speculative opinion on such a point. I had lately the advantage of conversing on this subject with a gentleman who was formerly Chief Justice of the Supreme Court here, and he was convinced that certain insolvencies which were felt at the time throughout India as public calamities—insolvencies of a kind which never occur now-a-days—were due

to subtractions of capital through fear of unlimited liability. I have obtained the Schedules of those insolvencies from the Insolvent Court, and so far as I can understand their story, it seems to me to bear out that theory. And with regard to the question whether advances on limited liability should be publicly registered, I must say that it struck me on reading these Schedules that it would be much fairer and juster to the public if we compelled the registration, not of advances made on limited liability, but of amounts withdrawn in consequence of unlimited liability.

“The principal recommendation of the Bill I take to be the additional stability it will give to the Presidency Town firms. But some minor advantages connected with it may be mentioned. One of these relates to all European adventure in India. The notorious difficulty of such undertakings is the difficulty of agency. It is said that plenty of energetic men come out, but I am told that they do not make good servants. Ample wages and large stipends are not enough, the stimulus of ownership and direct interest is wanted. If, then, such a person were turned into a master through this Bill, if he became, to use the French phrase, the *gérant* of a commanditarian partnership, it is possible that his relation to his employers would be more satisfactory, and at all events his motives to good faith and exertion would be greatly increased. There is also a distinct advantage in legalizing a second form of limited liability. It may have been observed that the real secret of the enormous expansion of limited undertakings in England is that they have attracted the savings of the non-commercial and professional classes. Every lawyer and every man of business knows that those classes were formerly tied down to Government securities and land. But now the capital they save is largely embarked on limited liability and is thus reproductively employed. There is, however, this moral drawback on the change, that investors can only now procure a security which is of a marketable value, and which fluctuates within much wider limits than consols or Government paper. It may therefore be that some persons are tempted to engage in speculation who would not otherwise have indulged in it, and who are not well fitted for it. I myself do not believe that any state of the law produced, or that any change in the law will change the spirit of speculation which lately prevailed in this country, and particularly on the other side of it. But I do think that, to some limited extent, it was stimulated and aggravated by the fact that no Native who invested on limited liability out of his hoard, nor servant of Government out of his savings, could obtain any securities which had not a highly speculative value. It is therefore some recommendation of this Bill that interests created under it will not generally be saleable. Even supposing that the alienation of such an interest should become abstractedly legal in India, the contract will in fact stipulate

that it shall not be sold without the consent of the firm to which the advance is made; and thus the Bill may perhaps redress the balance between two forms of limited liability, which appears to me to have inclined too much in one direction.

The Motion was put and agreed to.

RURAL POLICE ACT AMENDMENT BILL.

The Hon'ble MR. MUIR introduced the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere), and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that this Bill having been already published in the Gazette under the 19th of the Rules for the Conduct of Business, rendered it unnecessary to obtain leave for its introduction.

The object of the Bill might be shortly stated as follows. Last year an Act was passed which provided a fund for the maintenance of the Rural Police in the North-Western Provinces. By its second Section, proprietors are empowered to assess and collect a sum not exceeding one rupee per annum from the occupant of every house. And by Section 6, the Revenue Authorities are authorized to assess upon the proprietor for the purposes of the Act, an amount not exceeding the aggregate of the house assessments on his estate, minus ten per cent.

It is optional with the proprietor to make this assessment or not as he chooses, just as it is optional with him to assess rent on the fields of his estate. He may neglect to make any assessment, or he may make it at an inadequate rate, or he may choose to maintain any other system of realizing Chowkeedaree dues customary in his village, with the consent of the inhabitants. But in any of these cases, it was the intention of the proposers of Act II of 1865, that the proprietor should still be liable to Government in the same sum as that to which he would have been liable if he had made a full and adequate assessment.

The Act however, as finally passed, provided for an assessment on the proprietor, only at the amount of house assessments actually concluded under the law; and did not provide for the case of neglect to assess or of inadequate assessment. The object of the present Bill was to supply the omission. It provided that in case a proprietor failed to make a full assessment under Act II of 1865, he might nevertheless be called upon to pay the same amount

as that which he would have been rated at, if he had made a full and proper assessment under the Act.

The Bill was approved by the Government in the North-Western Provinces and the Allahabad Board of Revenue. But the Hon'ble Mr. Drummond was desirous that the power which it was contemplated to confer upon Collectors should be exercised only with the special sanction of the Government. This suggestion would be duly considered in Committee.

The Motion was put and agreed to.

PRIVATE WATER-COURSES' BILL.

The Hon'ble MR. MUR also introduced the Bill to provide for the appropriation of land required for private water-courses from Canals, and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that this Bill also had been already published in accordance with Section 19 of the Council's Rules, and might be now at once referred under the motion to a Select Committee.

It might be necessary briefly to explain to what class of water-course the Bill applied.

From the main body of a Canal, water is taken off for irrigation by *Rajbuhas*, or subsidiary channels, which cover the country like a net-work. These form the arterial communications from which the water is taken off for the fields. This is done by a direct opening where the fields lie close to the Canal: but if the tract to be watered is not immediately adjoining the Canal, then the water is conveyed thither by minor or village water-courses which sometimes extend to a considerable distance. These water-courses may either form a part of the Canal system for distributing the water, and as such be constructed at the public expense, or they may be private or village channels. In the latter case the Canal Officer would say to the applicant for water, you may have it, but you must make your own cut to carry the water to your field. In the first case the channel is the property of Government; in the second of the party who constructs it.

Now the existing law provided only for the first class of water-courses. In the second, that is, where the land is proposed to be occupied, not at the requisition and at the expense of the Irrigation Department, but at that of the applicant for water, the present law would clearly not be applicable.

In this latter case, the question would arise whether a person claiming to construct a private channel had the right of taking it through the limits of an intervening estate, the owner of which objected. This again depended on the consideration whether the benefit to the estate of the applicant so greatly outweighed the injury to the intervening estate as to justify the intrusion. If only a few fields were to be irrigated, and the damage caused by the cut would be serious, the applicant would clearly not be justified in demanding the right of water-way. If, on the contrary, a large tract—for example, of barren land—would be rendered fruitful by the water for which a channel was sought, and the loss or inconvenience to the intervening estate were comparatively insignificant, then the applicant would have an equitable right to demand way for the water on payment of full compensation for its appropriation; and the State also, in reference to its land-revenue, might be interested in seeing the right enforced.

- It was, however, important that all such proceedings should be controlled by competent authority, which would restrict the appropriation of land within the narrowest limits possible. For although the applicant might have an equitable right to water-way through his neighbour's estate, he was bound to exercise that right in such a way as would inflict the least possible injury and inconvenience.

The present Bill aimed at accomplishing this object. No appropriation of land under the circumstances contemplated would take place until an Engineer of the Irrigation Department should have declared that the water-course was necessary, and certified that the line involved no avoidable injury to other interests. When this declaration had been made, the Officers of Government might take measures for the occupation of the land, and the payment of compensation to the proprietor, in the same manner, and under the same checks precisely, as if the land had been required for a public purpose.

The Bill also authorized the Local Government, with the sanction of the Governor-General in Council, to make rules for the disposal of certain classes of claims likely to grow out of appropriations under this procedure. They were described generally in Section 7, and involved such questions as these:—the title of the original proprietor to re-enter on possession in case the channel be discontinued, which in the case of such minor cuts was a possible contingency; the liability of the land occupied for rent and Land Revenue; the mode in which the rights of temporary holders in the intervening estate should be settled; the manner in which joint rights in a channel might be adjusted, and how such rights might be acquired or extinguished. Many of these questions affecting the right of water-way were entirely new, at least in this part of the country, and the course to be pursued in respect of them must be to a great

degree experimental and tentative. It would be impossible to anticipate and satisfactorily to provide in the present Bill for these contingencies. It had therefore been thought better to leave, at least for the present, the principles and rules under which they should be dealt with to be from time to time framed by the Local Government under sanction of the Supreme Government.

Since the Bill was published, Mr. MUIR had received some valuable suggestions for its improvement from the Allahabad Board of Revenue, and several Collectors in the North-Western Provinces. They related chiefly to the point that the decision as to the necessity for a channel should not be left solely to the Canal Officer, but that the Revenue Authorities should also have a voice in the matter. This suggestion would be taken up in Committee. While the Revenue Authorities were of course not competent to give an opinion on any professional question involved in the claim, they would be better able to judge on other points, such as the value of the increased productiveness expected from the new water-course, the amount of injury to intervening property, the nature of proprietary claims connected with the application, &c.

The necessity for the Bill had arisen primarily in the North-Western Provinces, and the Local Government and Sudder Board of Revenue approved the proposed measure. But it would probably be found equally applicable elsewhere, as was evident from the fact that His Honour the Lieutenant-Governor had recommended that the Bill be extended to Bengal, and be made applicable to private as well as Government Canals.

This recommendation would be considered in Committee. Mr. MUIR could see no objection at present to the proposed extension.

The Motion was put and agreed to.

MADRAS IRRIGATION COMPANY'S BILL.

The Hon'ble Mr. TAYLOR introduced the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation, and moved that it be referred to a Select Committee, with instructions to report in three weeks. He said that this Bill, as the Council were aware, had already been published in the Gazette, together with the Statement of Objects and Reasons. He had very little to add in explanation of the scope and object of the measure.

It seemed that the inhabitants of the town of Kurnool were desirous of purchasing from the Madras Irrigation and Canal Company a supply of water for the use of the town and for municipal purposes generally ; it had therefore become necessary to define, by law, the maximum rate which that Company might charge for water supplied from their works for such purposes—that was, for purposes other than irrigation.

● After some discussion between the Company's representative and the Government Consulting Engineer, the Madras Government considered that the rate of one Rupee per 400 cubic yards was a fair and proper charge for water supplied for general purposes, and this rate had been accepted on behalf of the Company by their Agent and Manager in this country. It was of course distinctly understood that this decision had no relation whatever to the price of water for irrigation, which was regulated by other and special considerations.

The question having been thus settled, the Madras Government directed that steps should be taken for passing an Act in the local Legislature to define and sanction the maximum rate agreed upon, namely, one Rupee for 400 cubic yards ; but upon the discussion which ensued on the motion for the introduction of the measure into the local Council, it appeared that the Madras Government could not deal with the matter, inasmuch as the " Act of Parliament of the Indian Legislature" contemplated in the 27th Clause of the contract made by the Secretary of State for India with the Madras Irrigation Company, must be taken to mean an Act passed by the Council of the Viceroy and Governor General of India.

This explained why the Bill was now introduced.

The Motion was put and agreed to.

RE-MARRIAGE OF NATIVE CONVERTS' BILL.

The Hon'ble MR. MAINE moved that the Committee on the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity, be re-constituted. He said that the motion was only formal. Owing to the departure of Mr. Harington and Mr. Cusat, the Bill was now before a Committee much too small to examine with authority the mass of papers which were now before it, papers which he (MR. MAINE) was glad to say, were almost all strongly in favour of the measure.

The Hon'ble COLONEL DURAND said that he had received from the Clergy of the Diocese of Calcutta a memorial respecting the Bill, which he now asked

permission to lay before the Council. They had requested that it should be laid before the Council at its first meeting, and he wished them to know that this had been done.

The Hon'ble MR. MAINE said that the regular course was to send the memorial to the Home Office, by which it would be transmitted to the Legislative Department. But of course the memorial could be immediately printed, if not printed already. ●

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to amend Act No. II of 1865 (to provide for the maintenance of the Rural Police in the Territories under the government of the Lieutenant-Governor of the North-Western Provinces and elsewhere)—The Hon'ble Messrs. Maine and Taylor, the Hon'ble the Mahārājā of Vizianagram and the mover.

On the Bill to provide for the appropriation of land required for private water-courses from canals—His Honour the Lieutenant-Governor, the Hon'ble Messrs. Maine and Taylor, the Hon'ble the Mahārājā of Vizianagram and the mover.

On the Bill to define and sanction the rates which the Madras Irrigation and Canal Company is authorized to charge for the supply of water for purposes other than that of Irrigation—The Hon'ble Messrs. Maine, Muir, Cowie and the mover.

On the Bill to legalize, under certain circumstances, the Re-marriage of Native Converts to Christianity—His Excellency the President, His Honour the Lieutenant-Governor, and the Hon'ble Messrs. Taylor, Muir, Gordon and the mover.

The Council adjourned till the 8th December.

CALCUTTA, }
The 1st December 1865. }

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).