ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1874.

WITH INDEX.

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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 Tuesday, the 8th December 1874.

PRESENT:

His Excellency the Viceroy and Governor General of India, G.M.S.I., *presiding.*
His Honour the Lieutenant-Governor of Bengal.
The Hon'ble B. H. Ellis.
Major-General the Hon'ble Sir H. W. Norman, K.C.B.
The Hon'ble A. Hobhouse, Q.C.
The Hon'ble Sir W. Muir, K.C.S.I.
The Hon'ble John Inglis, C.S.I.
The Hon'ble R. A. Dalyell.
The Hon'ble Rájá Ramánáth Tagore, C.S.I.
The Hon'ble H. H. Sutherland.
The Hon'ble J. R. Bullen Smith.

EUROPEAN BRITISH MINORS BILL.

The Hon'ble MR. HOBHOUSE moved that the Report of the Select Committee on the Bill to provide in the Panjáb and elsewhere for the guardianship of European British minors be taken into consideration. The Council had learnt, when he moved for leave to introduce the Bill, what the scope and object of it were. With reference to all parts of British India which were under the jurisdiction of the High Courts, there was sufficient power given by the High Courts' Charters, to provide for the guardianship of minors; and with regard to those persons who were not European British subjects, there were several Acts which provided for them. But with regard to those who were European British subjects, and who resided out of the jurisdiction of the High Courts, there was no provision; and cases had arisen lately in the Panjáb which went to show the necessity of making some provision, which the present Bill was intended to do.

He had explained in detail, when he introduced the Bill, the provisions it was intended to make; and he did not think there were any alterations made in the Bill which would induce him to enter into the subject afresh, or

which called for any statement from him now. Hon'ble Members had doubtless read the Report of the Committee. He thought that the only alteration of any importance was this; that, whereas the Bill had proposed to give jurisdiction only to the highest Civil Courts of appeal in each province, and in British Burma to the Recorder of Rangoon, it was represented that the circumstances of British Burma were such as to make it undesirable thus to confine the jurisdiction. It was now proposed that, in Rangoon, the Court should be that of the Recorder, and elsewhere that of the Deputy Commissioner subject to appeal. He wished to add, that the Select Committee were much obliged to the authorities of British Burma, the Judicial Commissioner and Government Advocate, for some very careful and judicious criticisms upon the Bill.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE also moved that the Bill as amended be passed.

The Motion was put and agreed to.

DISTRESSES (PRESIDENCY TOWNS) BILL.

The Hon'ble MR. HOBHOUSE asked leave to postpone the consideration of the Report of the Select Committee on the Bill to regulate Distresses for Rents in the Presidency Towns. The two items in the List of Business relating to this Bill had been inserted through a mistake of his. They should not have appeared, because the Select Committee recommended that the Bill should be republished, and then that some little time should elapse before it was passed into law. As, however, the notices were there, he should like to take the opportunity to call attention to the alterations which had been made by the Committee in the Bill, because he found that, when observations were made in Council, they were apt to attract more attention than when the same things were only said in a Committee's Report, and he wanted to call attention to these things in order that those who were interested or affected by them might make any suggestions or objections which might occur to them.

In the first place the Bill excluded from recovery by process of distraint all rent which was due for more than twelve months. It seemed right that if a landlord chose to let his rent run so far into arrear, he should not have the very stringent and summary remedy of distraint, but that he should be put to bring a regular suit for the recovery of such back rents.

In section ten, the Committee had exempted from distraint certain things the seizure of which would be an intolerable hardship, and was calculated to lead to breaches of the peace. They were exempted from seizure under executions, and he believed that in practice they were not usually taken by way of distraint; but there was no positive exemption of them by law, and therefore it was better when we were amending the law to express such exemption. The things exempted were—

"(*a*) things in actual use; or

(*b*) tools and implements not in use; where there is other movable property in or upon the house or premises sufficient to cover such amount and costs; or

(*c*) the debtor's necessary wearing apparel; or

(*d*) goods in the custody of the law."

It would be readily understood that to take a man's coat off his back, or to take the hammer with which he was cobbling a shoe, or the knife and fork with which he was eating his dinner, would be likely enough to lead to a fight.

By sections fourteen and fifteen, some new powers were given to the Small Cause Judges who decided questions directly raised by distraints, to decide other questions which arose out of them indirectly. In section ten, an alteration was made in the law by its being laid down that the property to be taken must be the property of the debtor, so as to prevent the occurrence of those occasional cases of extreme hardship in which the property of somebody against whom the landlord had no claim was taken and sold to answer his claim against his tenant. That alteration was not made by the Select Committee, but was in the Bill when introduced. It would probably increase the number of incidental questions which were intended to be settled under sections fourteen and fifteen.

It was obvious that whenever the things taken were things belonging to the wrong man, or whenever when belonging to the right man they were taken under a process which ought not to have been issued, there might be a claim not only to set aside the proceedings, but to recover compensation for damage done. Mr. Fagan, the first Judge of the Small Cause Court in Calcutta, who had taken great pains in the revision of this Bill, had told us what the present course of proceeding was, and how it might be improved. He would read to the Council what Mr. Fagan said:—

"At present a party who has succeeded in getting a distraint issued against him set aside, immediately issues a summons against the other for damages sustained by reason of the trespass committed against him or his property through the execution of the writ, and this matter has to be investigated in a separate suit, probably by a different Judge, and at any rate at a considerably later date, when the facts, even if inquired into by the same Judge, would not be

so fresh in his recollection or in that of the witnesses. I think the cheap, speedy, and correct decision of such trespass-suits will be much assisted by rendering it compulsory on the party applying to set aside a distraint-warrant to apply at the same time for such damages as he may have sustained in consequence of the trespass."

That seemed a most reasonable plan. It provided that the Court which decided on the propriety of the transaction itself, and was obliged for that purpose to possess itself of the whole case when it was quite fresh, should also say at the same time how the claims which were but the immediate consequences of the transaction should be disposed of. It would probably procure a more satisfactory decision on the point, and it would certainly do away with the circuity and repetition of process which were now necessary. At this moment under a section (88) of the Presidency Small Cause Courts Act (IX of 1850), those Courts had jurisdiction to decide on the claims of third parties in the case of executions. Give them analogous powers in the case of distraints, give them powers of deciding on claims for compensation as well as on claims to the property itself, and the whole matter was likely to be disposed of in a way more economical of the suitor's time and money and more conducive to a just decision.

Those were the principal alterations made by the Bill in the existing law. MR. HOBHOUSE conceived that they would be acceptable, but he thought it much safer that those who were personally interested in the working of the law should have an opportunity of making their remarks before the law was changed.

Leave to postpone the motion was granted.

SCHEDULED DISTRICTS BILL.
LAWS' LOCAL EXTENT BILL.

The Hon'ble MR. HOBHOUSE then moved that the Reports of the Select Committees on the Bill to declare and consolidate the law relating to the local extent of the general Regulations and Acts, and the local limits of the jurisdiction of the High Courts and Chief Controlling Revenue Authorities and the Bill for declaring the local extent of certain Acts passed by the Imperial Legislative Council be taken into consideration. He said—

"It will be convenient if I couple together the two motions which stand fifth and seventh in the paper, and ask the Council to consider at one and the same time the two Reports which are there mentioned. For though the two Bills were not introduced together, they were at first strictly complementary to one another, and they are still cognate; they have run concurrent courses; at one time it was proposed to combine them into one, and though that was after-

wards found not to be so convenient, each has taken certain portions of the other in exchange for portions of its original self.

"My predecessors in this business have, by their speeches in Council and by the papers attached to the Bills, explained very clearly what objects the Bills were intended to compass, and I have before now repeated portions of those explanations. But I think it desirable again to give a brief account of their origin and of their effect, partly because they have been some years upon the stocks, and partly because there has existed a great deal of misapprehension as to the power which they would confer on the Executive Government. In fact, it was supposed by some that, with regard to certain outlying districts which we now call The Scheduled Districts, the Local Governments were to have absolute and unlimited powers of altering the law from time to time by proclamation or similar summary process. So strongly had this notion been rooted, that when in the month of March 1873 I presented a Report of the Select Committee and accompanied it by a statement showing that such a thing was never contemplated, or rather was expressly disclaimed, from first to last, the Government of Bengal sent in a paper saying in effect that the virtue had gone out of the Bills, and that they were no longer likely to do any good. I do not believe that the Government of Bengal remain quite of that opinion now, but that they find on further reflection that the Bills have still some useful work to perform, though of a somewhat humbler nature than was at one time supposed. At all events they have assisted us cordially in bringing them to their present stage of progress.

"Now the state of things which induced Mr. Cockerell to devise these measures was as follows. There are many parts of British India in which it is doubtful whether the general enactments are legally in force or are not. There are places in which those enactments have been put into actual operation, but it has been found difficult to put one's hands upon the express authority for such operation. In others they have not been in operation, but inasmuch as many of them expressly extend to all British India, it is difficult to find a legal answer to the question why they should not operate throughout all parts of British India, however backward or primitive. For some such parts, doubtless, the answer is ready to hand in the shape of a special and recent deregulationizing Act; but for others it has to be sought for by much research, and for some it may not be forthcoming at all.

"Now this confusion, which might lead to difficulty in other places, actually did lead to difficulty in the district of Dehra Dún. After its annexation to the British Empire, that district underwent several changes of law. From the

year 1827 onwards it was considered that the district fell within the general Regulations, and on that footing it was governed for the space of some forty years, all except a wild and primitive part of it called Jaunsar Báwar. Then a litigation occurred in which one of the parties took an objection resting on the ground that the Regulations had never been legally introduced into the district at all, and upon argument the High Court held that they had not. An Act of Council (Act XXI of 1871) was then passed for the purpose of giving validity to all the judicial and other proceedings which had taken place on the erroneous hypothesis throughout all the district except Jaunsar Báwar, and for extending the general Acts and Regulations to the same area.

"Now the occurrence of this case led Mr. Cockerell to consider whether we could not usefully frame a general enactment obviating most of such difficulties beforehand, or providing simple means for their solution upon their first appearance. He also found, on considering the subject, that in several other respects the law might usefully be simplified.

"There are a number of enactments which do not carry on their face any express mention of their local extent, but leave that extent to be gathered from their origin and nature. All these Acts he proposed to lay hold of and to declare what their extent was, according to the actual intention.

"Other enactments are expressly limited to certain localities, but are made extendible to other localities by proclamation or some proceeding of the Executive: and many of them have been actually extended in the prescribed way. Other enactments, again, known as deregulationizing Acts, have been passed for the purpose of removing from the operation of the general Acts and Regulations certain districts which were too backward to benefit by them, and of giving large powers of administration to the Executive in those districts. These two classes of enactments and the proclamations issued under the former class, he proposed to consolidate by the simple process of framing tables showing how far each enactment extends, when its extent does not appear upon its face, and of repeating once for all the power of the Executive over the deregulationized districts.

"It was for these objects that, in the years 1870 and 1871, Mr. Cockerell introduced into Council the two Bills which now are represented by what we call the Scheduled Districts Bill and the Laws Local Extent Bill. The Council will observe that the objects are threefold.

"*First*—the Bills have a declaratory operation; that is to say, either by their own force, or by means of a power given to the Executive, they propose to

declare what the written law is in those parts of the country as to which doubts exist.

"*Secondly*—they have an extending operation; that is to say, by their own force they extend enactments to localities in which they are undoubtedly at work, but in which their operation may have a doubtful legal foundation, as in the instance I have mentioned; and by means of a power vested in the Executive enactments current in other parts of India may be extended to the Scheduled Districts as they are wanted.

"*Thirdly*—they have a consolidating operation; that is to say, they bring into one focus the various deregulationizing Acts and the various extending Acts and the proclamations consequent upon them. I think Mr. Cockerell calculated that, by this process, he could repeal, partially or wholly, some seventy enactments. We propose to repeal forty-three wholly, and parts of four more; but a good many repeals which Mr. Cockerell contemplated four or five years ago have been effected by subsequent legislation.

"Now in all this the Council will observe that there is no change of the law actually at work, except so far as it is a change to give in general terms powers which have been given in a number of specific instances, in fact in every instance in which territories have been deregulationized, and which are exercised in territories which never have been subjected to the general Acts and Regulations: and so far as it is a change to give an express legal foundation to that system which is being actually administered under the belief that it is law, but the legal foundation of which may not exist, or not be capable of proof. There is no hint here of the scheduled districts being a *tabula rasa* on which the Executive may inscribe any law it thinks proper, without reference to the fact whether that law has or has not been working in the locality, and may alter that law from time to time under the guise of a declaration. Such a proposal as that would be rather a strain on the legislative powers given to this Council, and I doubt whether, if it were made, the Council would pass it or the Crown assent to it.

"Well, as the matter proceeded, it was found to be extremely complicated, not only on account of the confusion I have mentioned between full legislative powers and the powers first of ascertaining and declaring actual law, and then of extending enactments current in other parts of India; but also on account of the multitudinous details which had to be attended to. The amount of labour imposed on the members of the Select Committees and on the local authorities who have attended to the formation of the schedules

has been very great. I hope the principal difficulties have been now overcome, though in one or two respects we have found them too much for us, and have therefore abandoned some portions of Mr. Cockerell's original plan, which I will mention.

"As the Bills were originally framed, they proposed to define, not only the local limits of Acts and Regulations, but also those of the High Courts and Revenue Authorities. This was found to be almost impossible, except by using very general terms, which, it was pointed out to us, were calculated to introduce as many difficulties as they removed; so after two or three attempts we gave up the task. The present Bills say nothing about those authorities in a direct way, though, of course, by prescribing the local limits of enactments they will indirectly prescribe the limits within which High Courts and Revenue Authorities are to exercise portions of their jurisdiction.

"Again, we found that the legal difficulties were still further complicated by a cross thread of political manufacture. Every Member of Council knows that, in the course of building up this empire, we have acquired territories and powers in infinitely various ways; that we stand to Native Rulers in infinitely various relations; and that their connection with us has infinitely various degrees of approachment, shading off from absolute political incorporation to independence of everything except the Paramount Political Power necessary for preserving the peace and unity of the country. It is not very surprising then that, on examining the lists of the places to which it might *primâ facie* be thought proper to apply such a measure as this, it should be found that some were not ripe for it; indeed, that as to some it might even be doubted whether or not they had become integral parts of British India as distinguished from India. All places under such conditions as these have now been omitted from the schedules, and their status, legal and political, remains wholly untouched by what is now being done. In our Report on the Scheduled Districts Bill we have stated that the measure is, in this respect, imperfect; but that we must leave it so on account of the practical difficulties which might arise in a number of small territories.

"With these exceptions, however, we have adhered steadily to the main lines laid down by Mr. Cockerell when he introduced the Bills, and by Mr. Stephen when he presented the first report of the Committee in the year 1872; and I will now show the way in which the Bills meet the various objects of declaration, extension and consolidation.

"I first take the Scheduled Districts Bill, and beginning at the wrong end, that is to say, at the last section, I call attention to the fact that we are not

dealing with anything but written law—'law contained in Acts and Regulations.' The common law of the country—whatever law is established by custom or usage, remains wholly untouched by anything in this Bill. Again, we do not touch the subject of criminal jurisdiction over European British subjects. That is altogether a separate matter, about which there are special rules, attended, so far as I know, by no legal difficulties, and not calling for any interference such as we are now applying to other departments of law and administration.

"Going back to the beginning of the Bill, I pass over the preamble with the single observation that it now shows that the territories which we call the Scheduled Districts are not the whole, but only parts, of those tracts of British India in which the general Acts and Regulations are not at work. I also pass over section 1 with the observation that, under the term 'Scheduled Districts,' we propose to include, not only those territories which are now specified in the schedule, but also all those which are placed in the very exceptional position of having the Statute 33 Vic., cap. 3, applied to them.

"The most important provisions of the Bill are to be found in sections three and five. Section three runs thus—

"'The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the *Gazette of India* and also in the local Gazette, (if any)

"'(*a*) declare what enactments are actually in force in any of the Scheduled Districts, or in any part of any such District,

"'(*b*) declare of any enactment that it is not actually in force in any of the said Districts or in any part of any such District,

"'(*c*) correct any mistake of fact in any notification issued under this section:

"'Provided that a declaration once made under clause (*a*) or clause (*b*) of this section shall not be altered by any subsequent declaration other than a declaration under clause (*c*) of this section.'

"Now I hope that makes it clear that it is not intended to confer on the Executive a general legislative power, but only a power of declaring what the law actually is. That power should be exercised as occasion calls for it. I will again illustrate my meaning by referring to the actual case of the Dehra Dún.

"Suppose that the question which then arose had arisen immediately after this measure had passed into law. What would the facts be? The Government would find that for forty years the general Acts and Regulations had been at

work in the more civilized parts of the district; and that whether there had ever been any sufficient legal authority for setting them to work was a doubtful question, only to be solved after a minute examination into the history of the district, and even then probably susceptible of different answers. Again, in the Jaunsar Báwar they would find that the general Acts and Regulations were not at work; and that the same sort of question existed whether they ought not to be put in operation there. Now I take it that, under the provisions of this Bill, it would be quite competent to the Government to say—'For Jaunsar Báwar we declare that the general Acts and Regulations are not in force, and for the rest of the district we declare that they are in force: as to the questions of strict legal origin, they are precisely the knots which this Act was intended to cut; we do not trouble ourselves to untie them, nor is it our business to do so; we are content to declare in favour of those systems on which the country has been governed for forty years.' It is in fact for cutting Gordian knots of this description that section three of the Bill is intended. But knots, in order to be cut, must exist, and it is not meant that the Government should declare the existence of any system which has no existence *de jure* or *de facto*, and as to which no question has arisen.

"Section four only makes the declaration, when made, conclusive as to the facts contained in it: a provision the necessity for which needs no explanation.

"Section five gives general powers to the Executive to extend to the Scheduled Districts enactments already current in other parts of British India. It is to be expected that these parts of the country will gradually be brought within the operation of the general laws found suitable for the rest of it: but the times for so treating them will be best judged of by the Local Governments. The Council are very familiar with the plan of passing a law for one part only of India, while giving the Executive power to extend it to other parts. Indeed, the consolidation of the very numerous extensions so effected forms a substantial part of the measure now before you. This section gives a similar power in general terms for the districts which, as a regular rule, will be excluded from the Acts we pass for the rest of the country.

"Section six gives powers for the administration of the Scheduled Districts. It runs thus—

"'The Local Government may, from time to time,—

"'(*a*) appoint officers to administer civil and criminal justice and to superintend the settlement and collection of the public revenue, and all matters relating to rent, and otherwise to conduct the administration, within the Scheduled Districts;

"'(*b*) regulate the procedure of the officers so appointed; but not so as to restrict the operation of any enactment for the time being in force in any of the said districts;

"'(*c*) direct by what authority any jurisdiction, powers or duties incident to the operation of any enactment for the time being in force in such district shall be exercised or performed.'

"Those are large powers, but there is nothing new in them. This is one of the matters in which the measure is a consolidating one. These powers are given by the various deregulationizing Acts which we are now repealing; and as to the tracts which have never been brought under the general Acts and Regulations, they are exercised, I believe, with good legal warrant for their exercise, but at all events in fact, whether their legal origin can be strictly proved or cannot.

"Section eight gives power to the Executive to settle doubtful boundaries between Scheduled Districts and others. It is obvious that such questions may arise; and, indeed, the wilder the country, the more likely they are to arise. It is obvious also that a Court of law cannot settle such questions. In all such cases the Executive should intervene; should settle the matter once for all, and so prevent disputes and law-suits.

"Section nine, again, is a consolidating section. I am not sure that it has any legal value, but it is found in some of the Acts we repeal, and is therefore presumably wanted for those tracts to which those Acts relate. It has been in the Bill ever since Mr. Cockerell first introduced it: and though this measure has undergone more repeated and minute criticism from many different quarters than any that I have had to do with, nobody has said anything of this section. We have therefore thought it better that it should remain; and even if it be the case that it only repeats powers otherwise conferred, it will do no harm.

"Now I turn to the Laws' Local Extent Bill. This Bill, as Hon'ble Members will readily see, is of very simple construction. I will read section three which is a key to the whole.

"'The Acts mentioned in the first schedule hereto annexed are now in force throughout the whole of British India, except the Scheduled Districts.'

"Then turning to the schedules, you will find a list of enactments which, though their local extent is not expressly mentioned on their face, or though on their face they may be limited to some particular locality and only extendible elsewhere by the Executive, are operative throughout the whole of British India, except the backward parts called the Scheduled Districts. Then the four next sections with their corresponding schedules do the same thing for the provinces of Bengal, Madras, Bombay and the North-West.

"By section eight, some precautions are taken against the Act having, or being thought to have, too extensive an operation. It will not, for instance, affect by its own force the extension of an enactment now extendible at the discretion of the Executive, but that discretion will exist as before. And at the end we say that it shall not affect the operation of any enactment not mentioned in any of the schedules. That, perhaps, might seem quite superfluous; but some observations had reached us founded on the notion that an Act not comprised in the first five schedules would be repealed. Those schedules, however, are only intended to comprise those enactments whose local extent is not fully stated on their face. Some enactments are designedly omitted, because for them no such declaration is wanted, and others have probably been omitted by oversight. But when such oversights have happened, there will be no positive harm done; only things will not be bettered, but left precisely as they are now.

"It is indeed impossible to suppose that, in a matter comprising such an enormous mass of detail, errors have not been committed. But such as there are will be soon brought to the surface, and they will be susceptible of a speedy and simple cure. Even allowing a most liberal margin for mistakes, I feel confident that this measure will leave things in a far better state than that in which it finds them, and will prove to be what its authors intended it to be—a material simplification of our written law."

The Hon'ble SIR WILLIAM MUIR and His Honour THE LIEUTENANT-GOVERNOR wished to ask Mr. Hobhouse whether, under section five of the Scheduled Districts Bill, it would be competent to the Executive to extend only portions of particular Acts and Regulations without extending the whole.

The Hon'ble MR. HOBHOUSE answered to the effect that it was so intended; that the word "enactment" had been used here, and was used in previous Acts, as meaning any part of the written law, and as something different from a Regulation or an Act, each of which was an entire thing; that the point had not, so far as he knew, ever been raised in a Court of law; that he could not undertake to say what might be decided, but could only give his own private opinion; and that it was not desirable to alter the language, because such an alteration would immediately throw doubt on similar language used in other Acts.

His Excellency THE PRESIDENT remarked that the question was rather an important one. He understood that the power taken to extend an "enactment" would enable any portion, or certain clauses of an Act or Regulation to be extended.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE then moved that the Bills as amended be passed.

The Hon'ble SIR WILLIAM MUIR said that he had come to the Council with the impression that the Bill as now altered should be republished, with the view of obviating any mistakes or omissions which might possibly have occurred in so large a measure. The full explanation now given by the Hon'ble Member in charge had entirely removed this impression and shewn that the Bill might with safety be passed at once.

SIR WILLIAM MUIR added the expression of his high satisfaction at the two Bills being now in a shape to become law. The labour and pains bestowed upon them to reach this successful stage in the midst of so many complications and difficulties, had, he knew from his own experience, been very great. And the thanks of all who had to do with the laws and regulations were due to Mr. Hobhouse, and also to the Select Committee, for the trouble that had been taken in this matter. He was satisfied that by the simplification now introduced, and by the removal of doubts and uncertainties, the administration of business would be materially facilitated.

The Motion was put and agreed to.

OBSOLETE ENACTMENTS REPEAL BILL.

The Hon'ble MR. HOBHOUSE also presented the Supplementary Report of the Select Committee on the Bill for the repeal of certain Obsolete Enactments.

This report was made in consequence of what he had mentioned on the last occasion, namely, that the Committee had received a valuable paper from the Bengal Government.

INDIAN LAW REPORTS BILL.

The Hon'ble MR. HOBHOUSE asked leave to postpone the presentation of the Report of the Select Committee on the Bill to diminish the multitude and improve the quality of Law Reports, and to extend the area of their authority.

Leave was granted.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to amend the law relating to Probates and Letters of Administration, and moved that it be referred to a Select Committee with instructions to report in two months.

In moving for leave to introduce the Bill, he had fully explained its objects, and he now had only to lay before the Council the very simple draft by which it was sought to accomplish them.

Section one was aimed at the principal object, namely, the extension of the area over which a probate should operate. It followed the language of the existing Act (Act X of 1865, section 242), except that, instead of saying that the probate should operate throughout the province in which it was granted, the Bill said it should operate throughout British India.

Section two related to nothing but stamp-duty.

Sections three and four were intended to meet the special cases he had mentioned; those in which, through some mistake, too high a fee had been paid; and those in which fees had been paid for a second grant of probate in respect of the same property. In each of these cases it was proposed that a refund should be made, or that the additional fee should be no longer payable.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE moved that the Bill be published in the local Gazettes in English and such other languages as the Local Governments might think desirable.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE moved that the Hon'ble Mr. Dalyell be added to the Select Committees on the following Bills:—

To regulate the procedure of the High Courts in the exercise of their Original Criminal Jurisdiction.

To consolidate and amend the law relating to Ports and Port-dues.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE moved that the Hon'ble Mr. Sutherland be added to the Select Committee on the Bill to consolidate and amend the law relating to Native Passenger Ships and Coasting Steamers.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to amend the law relating to Probates and Letters of Administration,—The Hon'ble Messrs. Bayley, Inglis and Dalyell, and Rájá Ramánáth Tagore and the Mover.

The Council then adjourned to Tuesday, the 15th December 1874.

WHITLEY STOKES,
Secretary to the Government of India,
Legislative Department.

CALCUTTA:
The 8th December 1874.

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