ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 18

Jan. - Dec.

1879

PL

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

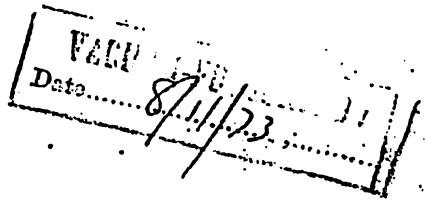
ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1879.

WITH INDEX.

VOL. XVIII.



Published by the Authority of the Governor General.

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.
1880.

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 Wednesday, the 21st May, 1879.

PRESENT:

His Excellency the Viceroy and Governor General of India, G.M.S.I., *presiding*.
His Honour the Lieutenant-Governor of the Panjáb, C.S.I.
His Excellency the Commander-in-Chief, G.C.B.
The Hon'ble Sir A. J. Arbuthnot, K.C.S.I.
Colonel the Hon'ble Sir Andrew Clarke, R.E., K.C.M.G., C.B., C.I.E.
The Hon'ble Sir J. Strachey, G.C.S.I.
General the Hon'ble Sir E. B. Johnson, R.A., K.C.B.
The Hon'ble Whitley Stokes, C.S.I.
The Hon'ble Rivers Thompson, C.S.I.
The Hon'ble F. R. Cockerell.
The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.
The Hon'ble T. C. Hope, C.S.I.
The Hon'ble B. W. Colvin.

N. W. P. LAND-REVENUE ACT AMENDMENT BILL.

The Hon'ble MR. COLVIN moved that the Report of the Select Committee on the Bill to amend the North-Western Provinces Land-Revenue Act, 1873 be taken into consideration.

He said that the Bill had been a good deal enlarged since it had first been introduced in Council. At that time it contained only three amendments of the present Act. The principal of these was intended to deprive persons whose estates might be under the management of the Court of Wards of power to charge or alienate those estates. Of the other two amendments, one was little more than an improvement in drafting, which required no notice. The last was more important. It was an addition to section 29 of the Act which was being amended, and it declared that charges incurred in the preparation of village-maps should be deemed to be charges within the meaning of that section. The effect of this was to make the village-map a part of the patwáris' records. It had been doubted whether village-maps could, under the wording of the Act as it stands, be properly treated as part of the patwáris' records. Whatever the proper interpretation of the Act might be, in practice they had for a great

many years past been so treated. In 1854, and again in 1856, the Local Government expressly declared that to make a map was part of a patwárí's ordinary duty; and, as a matter of fact, a great part of the existing village-maps in the temporarily-settled districts of the North-Western Provinces were, according to those orders, prepared by patwárís, or by substitutes for whom they paid. Again, in the latest rules prescribing the duties to be performed by a patwárí which have been issued by the local Board of Revenue, it was declared that a patwárí shall make any survey which may be required; and the Collector was authorized, if necessary, to appoint an establishment to assist him, which establishment might be paid out of the surplus of the patwárí fund. The truth was that these village-maps were indispensable if the patwárís' records were to be of any use at all, and if the provisions of the Act in respect of these were not to remain a dead-letter. Those records, apart from the map, merely gave a list of the names of the different persons who held shares in the village and of the fields which they possessed, showing the dimensions and area of each. Every one of those fields bore a distinguishing number in the list, which it also bore in the village-map; and, by turning to the map, any field that was wanted could be found at once. Without it, these distinguishing numbers were meaningless, and the patwárí's record scarcely of more service than an index to an atlas would be without its corresponding maps. It gave a list of fields, but furnished no clue by which they could be found. In short, he did not see how there could be any such thing as a "proper supervision, maintenance and correction of patwárís' records," which the Act enjoined, unless the village-map were recognized to be a part of them. Under these circumstances, it was highly expedient to remove any doubts which might exist upon the subject; and, by the Bill as now framed, village-maps were declared to form a part of the village-records.

The next point in the Bill which required notice was the provision in the same section that the patwárís' rate—the rate, that was to say, by which the village-accountants were paid—should be credited to a provincial fund. A good deal of discussion had taken place, at the time when the present Act was passed, between those who wished that this rate should be thrown into a general fund and those who maintained that a separate account ought to be kept for each village. It was argued by those who held the latter view that the patwárí was a village-servant, and ought to be paid by the village-owners. On the other side, it was contended that the village-accountant had gradually been transformed into a servant of the State as regards many of his duties, and that he was no longer a mere private servant; and that the Government in making this change had incurred responsibilities towards the patwárís, of which one of the first was to see that the men were adequately and regularly paid. What he had just said gave the substance of the two con-

flicting opinions. It was unnecessary to take up the time of the Council with the arguments of either side in detail, because, whatever the merits of the controversy, it had been found in practice that effect could not be given everywhere to the plan of making each patwárí dependent for his pay upon his own circle only. There were some parts of the country so poor that the full legal rate of three per cent. upon the annual value of an estate did not provide the patwárís with better wages than those of a day-labourer. Unfortunately, it also happened that the duties of a patwárí in these poor circles were commonly heavier than they were on a rich estate, where the rate provided a good income. In order to obtain men fit for the post, it was necessary in such places to raise the salary above the amount yielded by the legal rate; and, as the individual villages could not out of their small rental supply the money necessary for this purpose, it was obvious that a fund which was composed of the surplus of richer circles could more properly contribute it than the proceeds of any general taxation.

Another alteration with respect to the patwárís' rate was contained in section 5 of the Bill. It had been found that in some districts the old rate according to which the patwárís had hitherto been paid was in excess of that allowed by the present Act. It would be very inconvenient—indeed, sometimes impossible—to reduce the rate so paid to three per cent. on the annual value of the estate, which was the highest contribution that could be levied under the Act, because, if this were done, the patwárí in many cases would be very inadequately provided for, and arrangements which had been in force for years past would be disturbed. Accordingly, it was proposed that, in those districts where the facts were as he had described, the rate hitherto levied should for the future be deemed to be the legal rate. The districts referred to by him were those of Lalitpur, Dehra and Budaun.

He proceeded now to notice the changes which were proposed in section 66 of the present Act.

The first of these was the addition to its second clause of a sentence which declared that no list such as is spoken of in it shall be altered or added to during the currency of a settlement. This was only a change of form, not of substance. The Committee were satisfied that this was the intention of section 66 as it now stands. It declared that a list of certain cesses shall, if generally or specially sanctioned by the Local Government, be made by the Settlement-officer, and that no such cess which is not included in that list shall be enforced in any Court. It further empowered the Local Government *from time to time* to impose certain conditions on the collection of these cesses; but it was plain from the wording that it was not contemplated that the list itself should be altered during the currency of a settlement. It

appeared, however, that this had not always been so understood. The Committee accordingly recommended the addition of a sentence to clause 2, section 66, which would place the intention of the Act beyond the possibility of doubt.

The second addition to section 66 empowered the Governor General in Council to declare in cases of doubt what shall be deemed to be a cess within the meaning of the section. This power would provide for the removal of any doubts, if they should arise, about the cesses which do or do not fall within the meaning of the section. The Committee, as he had observed before, did not think that any such power could properly be exercised during the currency of a settlement, and had limited it to the time during which a settlement was in progress.

The next section of the Bill which appeared to call for notice was the one which amended section 74 of the Act, and empowered the Settlement-officer in certain tracts to refuse commutation from rents in kind to rents in money. When the Act of 1873 was passed, it was believed that, by enabling the tenants to convert all rents which were payable in produce into rents payable in cash, a benefit would be conferred upon them. The effect of giving them that power had, however, in some parts of the country proved the reverse of a boon. It was, indeed, a doubtful advantage for tenants to pay in money instead of in grain, in places where the crops were precarious. Where they paid a fixed portion of the produce, the demand from them varied according to the out-turn of the harvest; but no such adaptation of the landlord's claim to circumstances was to be looked for in the case of fixed cash rents. Now, there were some tracts in the North-Western Provinces where the tenants at the time of settlement had applied for cash rents and had obtained them very much against the landlords' wishes. It so happened that, after the rents had been so commuted, there came two or three years of very bad harvests. The zamíndárs claimed their full rents. The tenants, they said, had wished for payments in money, and now they must abide by them. The cultivators had neither the money nor the means of raising it, and were obliged to execute engagements to pay at some future time which they could never fulfil. Mischief of this kind had occurred in more than one place from making the commutation of rents compulsory on the application of either party. It was proposed, therefore, to add a clause to section 74, enabling the Settlement-officer to refuse commutation, under certain circumstances, in such tracts as the Local Government thought fit to bring within the operation of the clause.

A change of some importance was proposed in Section 157. The Local Government were anxious that the power to transfer a pattí from one landowner to another should be given to the Collector. At present it was vested

in the Board of Revenue. It was found, however, that in some parts of the country the present procedure, by which the Collector had to report to the Commissioner, and the Commissioner to report to the Board, caused a delay which the Local Government considered mischievous. It was, therefore, proposed to make the procedure quicker and more summary by vesting the power of transferring shares which do not exceed 50 rupees in the Collector. This power would be subject to the sanction of the Commissioner, and to revision, if necessary, by the Board. The Committee had not thought it right to exempt it from the general supervision and control of the Board; but it was not anticipated that they would interfere with completed transfers, except under extraordinary circumstances.

There was only one other point that required notice. Opportunity had been taken in amending the North-Western Provinces Local Rates Act, 1878, to extend the definition of "tenant" so as to include lessees and under-proprietors who did not themselves use or occupy the land. It was not an uncommon practice in many parts of the country for a landowner to grant perpetual leases of a portion of his estate, on the payment of a fixed rent annually for ever. It had been held that such a perpetual lessee was neither a landlord nor a tenant within the meaning of the Act, and that the only course left for the lessor, who had to pay the whole rate, was to recover the tenants' moiety of it, if he could, from the different users or occupiers of the land. It was proposed to remedy this defect by altering the definition of the word "tenants" in the North-Western Provinces Local Rates Act in the manner which he had described.

The Motion was put and agreed to.

The Hon'ble MR. COLVIN then moved that the Bill as amended be passed.

The Motion was put and agreed to.

BURMA COAST-LIGHTS BILL.

The Hon'ble MR. STOKES moved that the Report of the Select Committee on the Bill to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal be taken into consideration. He said that the Committee had made three amendments in the substance of the measure, namely, first, by omitting the explanation to section 9, and thus relieving a ship's agent of liability for the master's or owner's refusal to pay dues payable under the proposed Act; secondly, by adding a section requiring the Government to publish annually a statement of the receipts on account of coast-light dues and of the expenditure on the lights; and thirdly, by substituting for "Port Blair" in both the places in which it occurred in the schedule the words

"any Port in the Andaman and Nicobar Islands." The first of these amendments had been made at the suggestion of the Bengal Chamber of Commerce, who justly observed that the power to distrain and sell the vessel was sufficient. The second had been made with a view to providing those who paid the dues with the means of judging whether the rates from time to time fixed were reasonable or not; and the third was necessitated by the development of a trade in cocoanuts carried on by Native vessels plying between Burma and the Nicobars—vessels which undoubtedly benefited by some of the lights to which the Bill referred. The Committee had also made some improvements in the wording and arrangement of the Bill.

The Bill had been approved by the five Local Governments concerned; but the Bengal Chamber of Commerce had taken exception to the proposal to raise the coast-light dues, on the ground that, "as the calculations of dues sufficient for the purposes covered by the Act (XIII of 1867) were made at and for a period when the tonnage in respect of which the dues were payable was much smaller than at the present time, it is difficult to understand how those estimates could have been framed so inaccurately as to render it necessary at this moment of largely increased revenue to call for an addition of fifty per cent.; and how, while the revenue during intervening years has been progressive, the expenditure has been progressive also." They requested that, before any additional rate was imposed, they might be furnished with fuller explanation than that given in the Statement of Objects and Reasons attached to the Bill, and with the requisite accounts to justify the addition which it was proposed to make to the existing tax on tonnage.

It was easy to give the fuller explanation desired by the Chamber. The particulars of certain expenditure had not yet been received from England, and the entire capital expended on the lights up to date could not therefore be ascertained. But the accounts, so far as they went, showed Rs. 21,07,733 to have been expended. (MR. STOKES took these figures, as well as the others which he would quote, from an official Note drawn up last October by Mr. C. J. Lyall, the able and accurate Under-Secretary to the Revenue Department). The annual interest on this sum, at 4½ per cent., was Rs. 94,848. The average cost of maintenance for the six years ending 1877-78 had been Rs. 53,277. This was exclusive of the Oyster Reef Light, which appeared only in the two last of these years. If we included the average cost of the Oyster Reef Light for the two years, the average cost of maintaining all the lights for future years might be estimated at Rs. 63,177. We thus had the annual charge (including interest on capital) equal, roughly speaking, to Rs. 1,58,000. Now, the total income from the light-dues for the six years ending 1877-78 had been Rs. 4,74,000, giving an average of only Rs. 79,000 per annum. It was true that this income

had been rapidly rising. It had in fact increased in the six years under review by about fifty per cent., and in the year 1877-78 was as high as Rs. 97,000 or Rs. 98,000; but (omitting deficits for past years) it was still so very far short of the annual charge as above estimated, that even the increase of the rate by fifty per cent. which was now proposed would not for some time to come cover that charge. Further, assuming against all probability that the income would go on increasing at the same rate as hitherto, it should be remembered that, if the Krishna Shoal Light-house was to be reconstructed, a considerable addition would be made to the annual charge, even though we adopted the suggestion of the Chamber as to distributing the cost over a series of years.

It must be admitted that the author of the Act of 1867—the late Sir William Grey—in his anxiety to keep the dues as low as possible, pitched the rate below what it ought to have been. The Government of India, however bountifully disposed, must not continue to be, as Cicero said somewhere, *benignior quam res patitur*,—more generous than its means allowed.

MR. STOKES observed, in conclusion, that section 6 of the Bill empowered the Government to reduce the rate whenever the lights had begun to pay their way.

The Motion was put and agreed to.

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

The Motion was put and agreed to.

OUDH LAND-REVENUE ACT AMENDMENT BILL.

The Hon'ble MR. COLVIN moved that the Report of the Select Committee on the Bill to amend the Oudh Land-Revenue Act, 1876, be taken into consideration. He said that the Bill had been altered in shape a good deal since it was first introduced into the Council. It had originally been a Bill to amend the Oudh Land-Revenue Act, but had subsequently been turned into a Bill for the recovery of certain advances made to landholders. The practice of giving *takkávi*—that was to say, advances for agricultural purposes to landholders—existed before our time in India, and had been continued by the British Government. These advances used to be given to landholders only, and were made recoverable in the same way as an arrear of land-revenue by a Regulation of 1803. At that time the objects for which those advances could be made were undefined; but they were never given, he believed, except for agricultural purposes. In 1871 the Land Improvement Act was passed. By that Act agricultural advances made for certain particular objects were dealt with, and the privilege of receiving them was extended from landholders to tenants. Nothing was said

about advances for any other agricultural objects. But, in 1873, when the Land-Revenue Act for the North-Western Provinces was passed, the Regulation of 1803 which had been mentioned was repealed. Since that time there had been no law regarding any advances but those made under the Land Improvement Act. If the Local Government chose to make such advances, there was nothing that he knew of to prevent it; but it would not be able to recover them except by going into the Civil Court in every case where payment was delayed or withheld. This might be, and often was, very inconvenient. There were occasions on which it was most necessary to make such advances—for the purchase of seed and cattle, for instance, after a famine. As the law stood at present, however, advances so made could not be recovered in any way except by a civil suit. This being so, there was danger that either the money would not be advanced at all from the doubts that would exist as to its recovery, or, if it were lent notwithstanding those doubts, that much of it might be lost. To remedy this, when the North-Western Provinces Land-Revenue Act was amended, a section had originally been inserted in the Bill declaring that all advances for agricultural purposes should be recoverable as arrears of land-revenue. In order to assimilate the practice in Oudh to that proposed for the North-Western Provinces, the present measure had been introduced in its first shape of a Bill to amend the Oudh Land-Revenue Act. But the Local Government expressed a wish that the Bill should take the form of a general measure for the recovery of *takkávi*. Upon this, the opportunity was taken to ask other Local Governments whether it was not desirable that such a Bill, if passed, should be made applicable to them also. The result was that all the Provinces usually comprised in the term "Northern India," *i.e.*, the Panjáb, the Central Provinces, Assam and Ajmer, as well as the North-Western Provinces and Oudh, had agreed to accept the measure; and it had been extended to them accordingly. In its present shape, therefore, the Bill provided for advances made to owners and occupiers of land for agricultural objects other than those specified in the Land Improvement Act, and declared that such advances should be recoverable from the persons receiving them or from their sureties in the same way as arrears of land-revenue.

In addition to this, the Bill imposed a condition upon the granting of such advances. In order to bring them within the operation of the law which it was proposed to enact, the Bill provided that the advances must have been made in accordance with rules to be framed by the Local Government and sanctioned by the Governor General in Council. It had been objected—and the Committee thought with reason—that it was not expedient that the power of making agricultural advances which could be recovered by such a sharp and summary process as that for the realization of arrears of revenue should be left

vague and unrestricted. In the rules required by the Bill, the objects for which such loans might be made could, from time to time, be defined, and their conditions clearly specified, so that all persons interested would have the means of knowing when and how they could obtain an advance, and would also be informed of the liabilities which they incurred by accepting it.

The Motion was put and agreed to.

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

The Motion was put and agreed to.

TRADE-MARKS BILL.

The Hon'ble MR. STOKES introduced the Bill to provide for the registration of trade-marks, and moved that it be referred to a Select Committee consisting of the Hon'ble Sir A. J. Arbuthnot, the Hon'ble Messrs. Cockerell and Hope and the Mover. He said that when he had obtained leave to introduce this Bill, he had explained the circumstances under which it had been prepared, and stated that it was nothing more than a reproduction, with the changes required to fit them to the different circumstances of this country, of the provisions of the two Statutes which regulated the registration of trade-marks in England. He had now only to say that the Bill provided for the appointment of a Registrar and the registration of trade-marks, and enacted that, after a certain fixed date, no suit should be brought for the infringement of a trade-mark, unless such trade-mark was registered in accordance with the provisions of the Bill. It further defined the essential particulars of which a trade-mark must hereafter consist; those particulars were as follows:—

"(*a*) a name of an individual or firm printed, impressed or woven in some particular and distinctive manner, or

(*b*) a written signature or copy of a written signature of an individual or firm, or

(*c*) a distinctive device, mark, heading, label or ticket:

provided that there may be added to any one or more of the said particulars any letters, words or numerals, or combination of letters, words or numerals:

it includes also any special and distinctive word or words, or combination of numerals or letters, used as a trade-mark before the passing of this Act."

The other provisions of the Bill were subsidiary to these, and the only one of them calling for notice here was that by which the High Court at Fort William was appointed the Court for the purposes of the Act. As it was understood that the registry-office would be situate at Calcutta (where alone proprietorship in copyright and specifications of inventions were registered), that Court was obviously the most convenient one to appoint.

The Bill would of course be improved by the criticisms which he hoped it would receive from the Local Governments and the mercantile community. But, even if passed in its present form, he thought it would be a useful piece of legislation. It would, in conjunction with the 18th chapter of the Penal Code, help to give effect to the sound general principle which Lord Langdale, in *Perry* v. *Truefitt*, had expressed thus: "A man is not to sell his own goods under the pretence that they are the goods of another man; he cannot be permitted to practise such a deception, nor to use the means which contribute to that end. He cannot, therefore, be allowed to use names, marks, letters or other *indicia* by which he may induce purchasers to believe that the goods which he is selling are the manufacture of another person." Moreover, the protection of trade-marks was, like the quality of mercy, "twice blessed": it was, in other words, doubly beneficial: it benefited the public, because it enabled them to buy with a reasonable certainty that they were getting what they asked for, and it benefited the manufacturer, because it secured to him the custom which he deserved, and which was intended for him.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that the Bill be published in the local official Gazettes, in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

OUDH CIVIL COURTS BILL.

The Hon'ble MR. COCKERELL introduced the Bill to amend the law relating to Civil Courts in Oudh, and moved that it be referred to a Select Committee consisting of the Hon'ble Sir A. J. Arbuthnot, the Hon'ble Messrs. Stokes, Hope and Colvin and the Mover, with instructions to report in four weeks. He said that the Bill, in effect, reproduced for application to the Oudh Province most of the provisions of Act VI of 1871, the Bengal Civil Courts Act.

As a separate subordinate judiciary, which from the District Court downwards was constructed after the model of that at present existing in Bengal and the North-Western Provinces, was to be established in Oudh, it seemed clearly right that the law relating to Civil Courts in the latter Province should be assimilated as much as possible to the law on this subject in force in the former Provinces.

The Bill, however, provided for one important distinction from the Bengal Act in regard to the original jurisdiction of the Courts of Subordinate Judges. Such Courts in Bengal and the North-Western Provinces exercised an unlimited

jurisdiction in respect of the amount or value of the property in dispute in any case; whereas in Oudh it was proposed to limit the jurisdiction of Sub-Judges to cases in which the amount or value of the property forming the subject of litigation did not exceed Rs. 10,000.

Many cogent reasons could be assigned for the proposed restriction, but it would be sufficient here to mention two of these:—

1*st.*—It was desirable that suits of great importance, as involving an unusually heavy pecuniary stake, should be tried by the strongest Courts of original jurisdiction available; but where concurrent jurisdiction was given to two classes of Courts in respect of such suits, then, under the operation of the rules of the Civil Procedure Code, the result was that these suits were necessarily instituted, and generally tried by the lower class of Courts; for, although the Code conferred upon a District Court the power of withdrawing suits from any Subordinate Court and trying them itself, yet in practice it was found that this power was exercised very sparingly, in special circumstances, such as on the application of a party, and without any particular reference to the amount or value involved in the suit to be withdrawn.

2*nd.*—It was doubtful whether the public would have such confidence in these new Sub-Judges' Courts as to be willing to intrust cases involving an unusually heavy pecuniary stake to the adjudication of such Judges, some of whom at least (for the new posts would to some extent be filled by the late Assistant and Extra Assistant Commissioners) had hitherto exercised jurisdiction only in respect of suits in which the amount or value of the property in dispute did not exceed Rs. 5,000.

Indeed, strong representations had been made, from non-official quarters, too, to the effect that the public in Oudh would not have such confidence, and that it was consequently expedient to place some limitation as regards the pecuniary amount upon the jurisdiction to be exercised by these Judges.

There was no reason, moreover, to apprehend that the new "District Courts" in Oudh would have insufficient time for the trial and disposal of suits involving an amount or value in excess of Rs. 10,000; for not many such suits were instituted in the Oudh Courts: during the three years from 1875 to 1877 inclusive, the annual average number of such institutions did not exceed fifty-six, which, distributed amongst the four District Courts, gave an average of fourteen cases only to be disposed of by each Judge. It must be

remembered also that these new District Judges would not, for some time at least, have the criminal work, which devolved upon the District Courts of the older Provinces.

Whilst the Courts of original jurisdiction in Oudh were, under the new scheme, to be entirely reconstructed, the highest Appellate Court (Judicial Commissioner's) would remain as heretofore; hence it was proposed to retain the special provisions of the law now in force in that Province in regard to second appeals.

In one respect this law was peculiar to Oudh; for in no other Province was an absolute finality accorded to the substantially concurrent decisions of the Appellate Court and the Court of first instance. The other special provision, allowing a second appeal on the facts of a case, when the decision of the first Appellate Court reversed or materially modified the order of the Court of first instance, was also in force in the Panjáb. Both these enactments were reported to have worked well in Oudh, and the twenty-first section of the Bill had consequently been drawn so as to provide for their retention.

Some provisions of the Bengal Courts Act had been omitted, as, for instance, the power of appointing a Munsif, temporarily, on the sudden occurrence of a vacancy in that office. The Local Government was averse to giving this power to the new District Judges in Oudh, and proposed to give it to the Judicial Commissioners, but it was thought that such an arrangement would fail to secure the object of this provision for temporary appointments, *i.e.*, the avoidance of delay in the filling up of a vacancy; for it would take nearly as long a time to obtain a fresh appointment by the Judicial Commissioner, who, unlike the District Judge, did not ordinarily reside in the district where the vacancy would occur, as an appointment to be made by the Local Government. For these reasons, it seemed best to abandon this provision. Probably, in any case, it would be unnecessary in these days of more rapid communications.

Through inadvertence, the converse provision of the Bengal Act regarding the suspension of Munsifs by District Judges, which ought equally to have been omitted, had been inserted in the Bill; it would be for the Select Committee to which the Bill might be referred to determine whether the considerations which led the Local Government to disapprove of giving the power of appointment of Munsifs to the District Judges did not apply with greater force to this provision enabling them to suspend such officers.

It only remained for him (MR. COCKERELL) to draw attentionto the two last sections of the Bill, which had been framed to provide for the rather complicated questions which would arise out of the abolition, from the date of the

new law coming into force, of one set of Courts, and their immediate replacement by another set with totally different designations and limits of jurisdiction. It was thought that these provisions would be found to effect all that was needed.

The Motion was put and agreed to.

The Hon'ble MR. COCKERELL also moved that the Bill be published in the *Government Gazette, North-Western Provinces and Oudh*, in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

MILITARY CANTONMENTS ACT AMENDMENT BILL.

The Hon'ble MR. STOKES introduced the Bill to provide for the revision of proceedings in trials held under the Military Cantonments Act, 1864, section 20, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Cockerell and Colvin and himself. He said that the Bill was one of extreme simplicity and brevity. The effect of it was that in trials for breaches of Cantonment Rules there would be no appeal, but the Cantonment Magistrate trying the case would, for the purposes of the twenty-second chapter of the Code of Criminal Procedure, be subordinate to the High Court, the Court of Session and the District Magistrate.

The Motion was put and agreed to.

CIVIL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble Mr. STOKES also moved that the Hon'ble Messrs. Hope and Colvin be added to the Select Committee on the Bill to amend the Code of Civil Procedure

The Motion was put and agreed to.

The Council adjourned to Thursday, the 5th June, 1879.

SIMLA;
The 21st May, 1879.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

Govt. C. B. Press, Simla.—No. 145, L. D.—2-6-79—250.