Thursday,
3rd January, 1895

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXIV

Jan.-Dec., 1895

ABSTRACT OF THE PROCEEDINGS

OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,

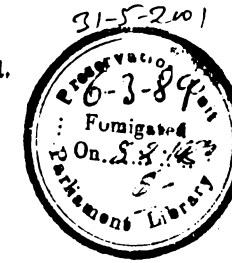
ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS,

1895

VOLUME XXXIV

Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1895

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 Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Government House on Thursday, the 3rd January, 1895.

PRESENT:

His Excellency the Viceroy and Governor General of India, P.C., LL.D., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I.
His Excellency the Commander-in-Chief, K.C.B., G.C.I.E., V.C.
The Hon'ble Sir A. E. Miller, KT., Q.C.
The Hon'ble Lieutenant-General Sir H. Brackenbury, K.C.B., R.A.
The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.
The Hon'ble Sir J. Westland, K.C.S.I.
The Hon'ble Sir A. P. MacDonnell, K.C.S.I.
The Hon'ble Fazulbhai Vishram, C.I.E.
The Hon'ble C. C. Stevens, C.S.I.
The Hon'ble A. S. Lethbridge, M.D., C.S.I.
The Hon'ble Baba Khem Sing Bedi, C.I.E.
The Hon'ble P. M. Mehta, M.A., C.I.E.
The Hon'ble Gangadhar Rao Madhav Chitnavis.
The Hon'ble H. F. Clogstoun, C.S.I.
The Hon'ble P. Playfair.
The Hon'ble Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahádur, K.C.I.E.
The Hon'ble Mohiny Mohun Roy.
The Hon'ble Sir G. H. P. Evans, K.C.I.E.
The Hon'ble Sir F. W. R. Fryer, K.C.S.I.

QUESTION AND ANSWER.

The Hon'ble FAZULBHAI VISHRAM asked:—

1. Whether, in view of the present financial position and having regard to the profitable nature of the operation, the Government of India will re-open the

mints in the Presidency-towns and work them on their own account for the coinage of silver and copper.

2. Whether Government will be pleased to furnish information as to the amounts of money coined in the mints at Bombay and Calcutta during one whole year previous to their closing and the approximate profit such operations would show on the basis of the present price of silver.

The Hon'ble SIR JAMES WESTLAND replied:—

"The Government of India have not the slightest intention of coining rupees on their own account, or of opening the mints for the reception of silver for coinage.

"In the report of the Herschell Committee, paragraph 54, the new coinage of the three years 1890-91, 1891-92 and 1892-93 is given as—

	Rx.
	13,163,474
	5,553,970
	12,705,210
Average	10,474,218

"If Government could purchase silver at its present price, coin this amount, and issue the coinage at the present exchange value, it would gain at least 2½*d.* on each rupee, or a total of about £1,100,000. But then there is no doubt that any attempt on our part to do this would send up the price of silver, and would greatly and permanently depreciate the value of the rupee. The initial gain would not be so great as stated, and it would be more than swallowed up by the loss arising out of the permanent depreciation of the coined rupee. The present artificial value of the rupee depends entirely on the maintenance of the restriction on coinage.

"In the Budget discussion of 27th March last, I expressed the opinion that a transaction of the kind was practically a fraud upon the holders of the existing rupees, and to that opinion I adhere.

"Copper continues to be coined to the extent to which the public actually require it. But, as we always receive copper coin back at its full value and issue rupees in exchange, there is no means, and there ought to be no means, of forcing an excessive amount into circulation."

PRESIDENCY SMALL CAUSE COURTS ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER moved that the Report of the Select Committee on the Bill to amend the Presidency Small Cause Courts Act, 1882, be taken into consideration. He said :—"This is a Bill which has been now for a great many years, more or less, under consideration. I think, if I am not mistaken, the original complaint which induced the Government of India to look into the question dates as far back as 1888. At any rate some three years ago the Government of India came to the conclusion that the existing Act required amendment in three particulars; one, as regarded the procedure in the Courts; another, as regarded the means of revising, or afterwards correcting errors in, the original decree; and the third, as regarded the qualification of the Judges. A Bill was introduced for the purpose of amending the Act in these three particulars, but the opportunity was also taken of introducing one or two other perfectly subsidiary matters. These matters were very carefully examined and gone into by the Select Committee last cold weather, and I do not propose to say anything more as regards the result of that examination than that I am in a position to say that the amendments made by that Committee appear to be thoroughly satisfactory not only to the Government but to the various classes concerned—as satisfactory, I should say, as it is possible any arrangement could be which endeavours to meet the views of persons whose interests and ideas are, in many respects, divergent. Therefore, so far as the points which were actually examined and determined by the Select Committee are concerned, I would ask this Council to accept their view of the case as the best solution of the difficulties which it is possible to arrive at. There are, however, some other amendments, arising out of representations made in the course of last year, which have not been considered by the Select Committee at all, as to which I propose to make some suggestions to the Council; but, in consideration of the fact that they are now being sprung upon the Council as new amendments, I do not intend to press them if there should be any substantial opposition to them.

"The only other observation which I think it necessary to make is with reference to an objection which has been taken by the Bombay Law Society—no doubt an important body—to the provision which is proposed to be made in

section 11 of the Bill, which gives the defendant eight days to determine whether he will apply to have a cause valued at more than one thousand rupees removed into the High Court. They say that—

'It frequently happens that, owing to the shifting nature of the population of Bombay, leave is granted to a plaintiff to serve a "short date summons," the returnable date being sometimes as near as two days after leave is given. In such a case a defendant would be able to apply to the High Court and obtain an order removing the same to the High Court although a decree had been in the meantime passed against him in the Small Cause Court, as the necessary application could easily be made to the High Court within eight days after the service of the summons on him.

'What would happen in such a case it is difficult to conceive; and it may be suggested that such an occurrence is extremely unlikely; but, if a day within the eighth day after the service of the summons is of a later date than any day before the day fixed by the summons for the return of the same, the defendant, as the section now stands, *has a right* to make the application specified.

'However, as section 39 (*1*) stands at present, there is every probability of the advantages of a "short date summons" being practically set aside in cases over Rs. 1,000, provided the defendant has *primâ facie* a good defence, as, if the application to the High Court is made before the returnable date of the summons and is successful, the case is transferred and the hearing postponed, probably for two or three months.'

"In answer to that I would only remark that it appears to me that it would be a denial of justice if, in any defended case worth more than one thousand rupees, it were possible to obtain an adverse decree in less than eight days. It is quite impossible to suppose that any defendant could be adequately heard within that time in a case in which he had anything like a substantial defence, or that the case could be determined in so limited a period. Therefore, if there were no defence, the decree might go and the defendant would be most unlikely to remove it into the High Court. On the other hand, if he has any shadow of defence, I cannot imagine that it should ever be possible to obtain a decree against him within so limited a time."

The Motion was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER said that the first amendment he had to move was that in section 1 (*1*) the figures "1895" be substituted for

the figures "1894", and that the blank in section 1 (*2*) be filled up with the word and figures "April, 1895". He explained that the amendment was purely formal and was necessitated merely by the fact that the Bill was drawn under the impression that it would pass last year.

The amendment was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER said:—"The next amendment which I have to move is the introduction of a new clause giving to the Local Governments express power to make temporary appointments. At present no such power is given by the Act. No doubt the Local Governments have exercised the power from time to time, and it has been absolutely necessary that it should be exercised, but it is not given by the Act, and if it had been challenged I do not know in what way the exercise of the power could have been defended. The clause as I have placed it upon the paper is drawn accurately from the corresponding clause in the High Courts Act passed by Parliament, and it seemed to me that that was the natural power to give, the only difference being that, instead of being given to appoint persons qualified to act as Judges of the High Court, it is given to persons qualified to act as Judges of the Small Cause Court, the qualifications not being precisely the same. A very strong representation was made to me to the effect that pleaders of ten years' standing had such a qualification that they ought to be expressly authorised to be appointed Chief Judge of the Court; but it appeared to me that to propose anything of that sort would be a departure from the arrangement by which I consider myself bound, that is to say, it would have been interfering with one of the decisions come to by the Select Committee. I therefore make no proposal to that effect: but, on the other hand, it has been urged that the Judge to be appointed to act as Chief Judge shall be a person who would be qualified to act subsequently in the substantive appointment as Chief Judge: as to that I have only to say that no such limitation applies in the case of the High Court, and I do not think it necessary to make any such provision as regards the Small Cause Court. I understand that my hon'ble friend Sir Griffith Evans proposes to amend this amendment by introducing such a provision, and I can only say that, although I do not see the necessity for it, it is not a proposal which I should feel bound strongly to

resist if the Council thought it desirable. The amendment which I have to propose is as follows:—

That the following section be inserted as section 4 of the Bill and the present sections 4 and 5 be re-numbered sections 5 and 6:—

Insertion of new section after section 8, Act XV, 188

'4. After section 8 of the said Act the following shall be inserted, namely:—

"8A. During any absence of the Chief Judge the Local Government may appoint any one of the Judges of the Court to perform the duties of Chief Judge, and may appoint some other duly qualified person to act as a Judge of the said Court until the Chief Judge has returned from such absence, and during any absence of a Judge of the said Court the Local Government may appoint a duly qualified person to act as a Judge of the said Court, and every person so appointed shall be authorized to perform the duties of a Judge of the said Court until the return of the absent Judge or until the Local Government shall see cause to cancel the appointment of such acting Judge."'"

Performance of duties of absent Judge.

The Hon'ble SIR GRIFFITH EVANS said:—"My hon'ble friend Sir Alexander Miller has just stated the only point as to which there is any difference between us in regard to this amendment. That it is necessary to give express power to Local Governments to make these officiating appointments is quite clear. I propose, however, to insert in the second line of the amendment, after the words 'any one of the Judges of the Court' the words 'who may be qualified for the appointment of Chief Judge'—and then the amendment will run:—

'8A. During any absence of the Chief Judge the Local Government may appoint any of the Judges of the Court who may be qualified for the appointment of Chief Judge to perform the duties of Chief Judge, and may appoint some other duly qualified person to act as a Judge of the said Court until the Chief Judge has returned from such absence, and during any absence of a Judge of the said Court the Local Government may appoint a duly qualified person to act as a Judge of the said Court, and every person so appointed shall be authorized to perform the duties of a Judge of the said Court until the return of the absent Judge or until the Local Government shall see cause to cancel the appointment of such acting Judge.'

Performance of duties of absent Judge.

"The reason why I move that amendment is that, although, no doubt, as the Hon'ble Sir Alexander Miller has pointed out, the corresponding clause with regard to the Judges of the High Court does not contain such words, there has

been a good deal of controversy as to whether that was not the real meaning of that provision. It has been decided that it is not in the provision and therefore that there is the power to appoint as officiating Chief Justice in the High Court a person who is not qualified for the substantive appointment. But, although that is so, there is a difference in the case of the Small Cause Court. The Chief Judge of the Small Cause Court has different functions from the other Judges: that is, he sits on every application for a new trial, and I submit that it is desirable, for the same reason that leads us to insert a certain qualification for the office of Chief Judge, which it is thought will secure for the appointment a sufficiently good lawyer, to have the same qualification for the officiating Chief Judge. I put it forward as being desirable under these circumstances. There is also the further consideration that the Judges in the High Court are all equal, but here there is the Chief Judge, a Second Judge, a Third Judge, a Fourth Judge and so on, so that there are grades and they are not all in the same position. Under these circumstances, I think it desirable that there should be some qualification of the power given to the Local Government to appoint any Judge as officiating Chief Judge. I do not suppose that the Local Government would exercise the power in such a way, but it enables them to appoint the Fifth Judge, for instance, to officiate as Chief Judge, and he very possibly might not possess the legal knowledge which in such a position would be desirable. I therefore would ask Your Excellency's permission to move the insertion of the words I have read in the Hon'ble Sir Alexander Miller's amendment."

The Hon'ble Mr. PLAYFAIR said that he desired to support the amendment suggested by his hon'ble and learned friend Sir Griffith Evans.

The Hon'ble MR. MEHTA said that he would also support the amendment of the Hon'ble Sir Griffith Evans, which seemed to him more logical and consistent with the other provisions of the Bill. He would, however, like to suggest that the amendment might best be carried out by putting it in this way—"to appoint any duly qualified person to perform the duties of Chief Judge," etc.

The Hon'ble SIR GRIFFITH EVANS thought that the effect of the words would be to make the amendment somewhat ambiguous.

[*Sir Alexander Miller; Sir Antony MacDonnell; Lieut.-General Sir Henry Brackenbury; the Lieutenant-Governor.*] [3RD JANUARY,

The Hon'ble SIR ALEXANDER MILLER said he would like to point out that the result of that alteration, if carried, would be to enable a person who was qualified to be a Chief Judge to be appointed to act as Chief Judge, although not one of the Judges of the Court, and that would not be desirable.

The Hon'ble SIR ANTONY MACDONNELL said that he would support the amendment of the Hon'ble Sir Griffith Evans. As he understood the matter, the Chief Judge of the Small Cause Court must be a barrister or advocate of the High Court, and he thought it very desirable that in Calcutta the acting Chief Judge should always be a barrister.

The Hon'ble LIEUTENANT-GENERAL SIR HENRY BRACKENBURY said that he should wish to support the amendment also. There was only one point which occurred to him. The amendment only allowed one of the Judges of the Court to perform the duties of Chief Judge, and only on the condition of his being qualified for the appointment. He did not quite understand what would be the result if none of the Judges were so qualified.

The Hon'ble SIR ALEXANDER MILLER said that there was always at least one Judge so qualified.

His Honour THE LIEUTENANT-GOVERNOR said that he would support the amendment for another reason. Sir Griffith Evans had put the case of the Local Government being desirous of appointing the lowest Judge; but the more common case was that, as the Judges rose in seniority from Fourth to Third, and from Third to Second, a claim would be set up in behalf of the Second Judge to act as Chief Judge whenever a vacancy occurred, although he might not possess those special qualifications which the law has laid down for the Chief Judge, and the amendment now suggested would secure the Local Government against any pressure of the kind.

The amendment of the Hon'ble SIR GRIFFITH EVANS was then put and agreed to.

The original amendment proposed by the Hon'ble SIR ALEXANDER MILLER, as amended by the motion of the Hon'ble Sir Griffith Evans, was then put and agreed to.

The Hon'ble SIR ALEXANDER MILLER moved that in section 9 of the Presidency Small Cause Courts Act, 1882, proposed to be substituted by section 4 of the Bill as amended by the Select Committee, for the figures "1893," wherever they occur, the figures "1894" be substituted. He explained that the amendment was a perfectly formal one. It was merely a reproduction of the existing procedure with a reference to the 31st December, 1894, instead of a reference to the 31st December, 1893, as it stood last year when it came from the Select Committee.

The amendment was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER also moved that in the same section, for the words and figures "the Presidency Small Cause Courts Act, 1882," the words "this Act" be substituted. He said that the object of the amendment was to remedy a piece of carelessness in drafting for which he supposed he was responsible. A reference was made in the body of the section to the Presidency Small Cause Courts Act, 1882, and, as that section was proposed to be inserted in the Act, it was an improper way of referring to it, and it ought to have been referred to as "this Act".

The amendment was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER also moved that the following section be inserted as section 7 of the Bill, before the present section 6, and that that section and the subsequent sections be re-numbered section 8 and onwards:—

"To section 18 of the said Act the following proviso shall be added immediately before the first explanation, namely:—

'Provided that where the cause of action has arisen wholly within the local limits aforesaid, and the Court refuses to give leave for the institution of the suit, it shall record in writing its reasons for such refusal.'"

He said that this was the last amendment which he had to propose and that it was proposed at the instance of the Trades Association of Calcutta. They pointed out that, in the Act as it stands at present, where leave was asked of the Court to institute a suit against a defendant not resident within the jurisdiction of the Court, if that leave was given, the Judge was obliged to state his reasons in writing for giving it; but, if the leave was refused, no grounds were given whatever, and they thought that, with reference to any further proceedings which might be taken, it would be very useful in cases

where the whole cause of action had arisen within the local jurisdiction that they should know, if leave to institute a suit was refused, why it was refused. Of course it was easy to understand that, looking upon these Courts as the medium of collecting small debts, it was very important to the traders from whom goods were purchased in Calcutta or Bombay to be able to recover their debts at those places where the whole cause of action had arisen, and that a creditor should not be driven up-country, say, to the North-West Provinces, after his debtor, for the purpose of making him pay his bill; and that where the whole cause of action in contracts of the kind had arisen within the urisdiction of the Court, leave ought ordinarily to be given to institute the suit in the Small Cause Court. In such cases the Court now gave leave, and recorded its reasons for doing so in writing.

But it might sometimes happen that there were good reasons why it would be more convenient and equitable for the creditor to follow the debtor to his place of residence, and all that was asked was that when that was the case, and when leave to introduce the suit on that ground was refused, the ground should be stated in writing by the Court, so that the creditor should know what it was and should be enabled to contest it if necessary.

The amendment was put and agreed to.

His Honour THE LIEUTENANT-GOVERNOR moved that in section 39 of the Presidency Small Cause Courts Act, 1882, proposed to be substituted by section 11 of the Bill as amended by the Select Committee, the following sub-section be inserted as sub-section (*4*), namely:—

"(*4*) If the plaintiff in any case which has been removed under this section into the High Court has abandoned a portion of his claim in order to be able to bring the suit within the jurisdiction of a Small Cause Court, he shall be permitted to revive the portion of his claim so abandoned."

He said:—"The Council are aware that, in the discussions which preceded the laying of this Bill before the Select Committee, I advocated the retention of the power given to Small Cause Courts to try suits up to Rs. 2,000 and was opposed to the decision come to to allow concurrent jurisdiction on the part of the High Court if the defendant should apply to remove the suit to the High Court. I am not now desirous of re-opening the question and am prepared to abide by the decision of the Select Committee, but the

proposal I have to submit to the Council arose out of the discussions which took place when that point was being considered. I have received two memorials from traders and merchants in Calcutta, both of whom urge, as a ground for retaining that power of the Small Cause Court, and as a proof of the popularity of the Court and its ability to try cases up to Rs. 2,000, the fact that a large number of plaintiffs had abandoned a certain portion of their claim above Rs. 2,000 in order to avoid the necessity of going into the High Court and to enable them to get their suits decided with promptitude and economy in the Small Cause Court. In my letter of the 29th December, which is numbered 11 in the papers before the Council, I mentioned that there were 32 cases of this class in 1891, 50 in 1892, and 44 in 1893, in which the subject-matter of the suit was above the value of Rs, 2,000, but the excess was abandoned in order that the case might be instituted in the Small Cause Court. These figures amount to about 9 or 10 per cent. of the total number of cases between Rs. 1,000 and Rs. 2,000 annually instituted in the Small Cause Court. I went on to say that—

'The Chief Judge has informed the Lieutenant-Governor that in a recent case the plaintiff, who had a clear claim for Rs. 3,600, abandoned Rs. 1,600 and brought his suit for Rs. 2,000 only in order to avoid going to the High Court, and that it is customary to find in contract cases a special clause inserted in the contract to the effect that each breach of a monthly delivery shall be treated as a separate cause of action, and that this is avowedly done to enable the suit to be brought on occasion of each default in the Small Cause Court. In another suit a plaintiff brought separate suits before the Chief Judge on sixteen bills of exchange for Rs. 1,000 each against the same defendant: his total claim was for Rs. 16,000, but he had divided the bills so as to be able to institute his suits in the Small Cause Court, and had done so advisedly in order to avoid recourse to the High Court. The Lieutenant-Governor trusts that these facts will be taken into consideration by the Government of India before it is decided to abandon or modify the Court's present limit of jurisdiction.'

"Later on the Judges of the Small Cause Court, in a letter which is Paper No. 3 relating to the Bill No. II, pointed out that—

'If a plaintiff having a claim above Rs. 2,000 sues in this Court, and for that purpose abandons the excess, he will be liable to have his case removed into the High Court, and would lose not only the privilege of suing in this Court, but would also be precluded from suing for the whole of his original claim.'

"It seems to me that this would be a case of hardship which is not intended by the Legislature and which there is no reason for enacting, and that it

would be nothing but fair that if a plaintiff abandons part of his claim in order to get his case into the Small Cause Court, and if the defendant is allowed to remove the case to the High Court, the full claim should be allowed to revive, so that the plaintiff should be able to sue for it before the High Court without abandoning that portion of his claim which he had been prepared to abandon when he got a *quid pro quo* in the greater promptitude and cheapness of the Small Cause Court. This suggestion was not before the Select Committee, and therefore I am not asking the Council to reverse or modify any decision to which they came. It has been brought forward at a later period, and I trust it will approve itself to the commonsense of the Council."

The Hon'ble SIR ALEXANDER MILLER said that when this proposal was first made he thought there was a serious objection to it, but he confessed that the more he considered it the more reasonable it seemed, and he was not at present prepared to offer any opposition to it.

The Hon'ble SIR GRIFFITH EVANS said that the proposal also appeared to him to be a reasonable one. It would, he thought, act as a deterrent to defendants in cases of this kind moving the matter into the High Court for the purpose of delay. This point had not been considered by the Select Committee.

The Hon'ble MR. MEHTA said that the amendment of His Honour was an eminently reasonable one. He supposed that the recommendation of the Select Committee to permit the plaintiff to choose his Court in suits between Rs. 1,000 and 2,000 was arrived at by way of compromise. He must say that it was unfortunate that the present provision should be altered at all. It had worked satisfactorily in Bombay, and it was a pity that it should have to be modified for the sake of only one of the presidency-towns. However, as it was now too late to attack the compromise, it was necessary that the amendment should be accepted, for it would be inequitable to bind a plaintiff to abide by an abandonment to which he consented only for the purpose of bringing his suit in the Small Cause Court.

The amendment was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER then moved that the Bill, as now amended, be passed.

The Motion was put and agreed to.

3RD JANUARY, 1895.] [*Sir Alexander Miller ; Sir Antony MacDonnell.*]

CODE OF CIVIL PROCEDURE AND PUNJAB LAWS ACT, 1872, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER also moved that the Hon'ble Mahárájá Bahádur of Durbhanga, the Hon'ble Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahádur, the Hon'ble Mohiny Mohun Roy and the Hon'ble Sir Griffith Evans be added to the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872. He said:—"This is a Bill which was introduced at Simla, and I did not myself at the time think, as it mainly refers to the Punjab, that it would have raised opposition sufficient to have it discussed here. However, when it came before the Select Committee there, they were of opinion that there were important matters to be discussed which it would be better to discuss before a larger and stronger Committee here than that constituted for the purpose at Simla. I do not propose at present to trouble the Council with any statement as to the objects of the Bill. I shall probably find it necessary when it comes back from the Select Committee to make some observations as to some portion at any rate of the Bill, but I do not think that I would be performing any useful function in taking up the time of the Council now as the work will necessarily have to be done over again at a later period."

The Motion was put and agreed to.

BURMA BOUNDARIES ACT, 1880, AMENDMENT BILL.

The Hon'ble SIR ANTONY MACDONNELL moved that the Bill to amend the Burma Boundaries Act, 1880, be referred to a Select Committee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble Gangadhar Rao Madhav Chitnavis, the Hon'ble Sir Frederick Fryer and the Mover, with instructions to report within one month. He said:—"The matter is a very simple and non-contentious one, as I explained in introducing the Bill. The Burma Boundaries Act, V of 1880, gives us power to erect permanent boundary-marks only on the periphety or external boundary of a village. But many of the blocks in want of survey in Burma are large and it is essential that the marks on the external boundary should be supplemented by marks—sub-traverse marks they are technically called—at interior stations also. This power is given by the Bengal

Survey Act, and without it it is difficult to carry on survey work, and impossible to maintain its result. The only other point of importance in the Bill is that it proposes to extend to the owners and occupiers of land, in and for the benefit of which survey-marks are erected, the obligations of preventing injury to the boundary-mark on his land, so far as he lawfully can. The obligation at present rests on the headmen and thugyis, and we now propose to extend it to the owners and occupiers of the land. In this, too, we follow the Indian principle."

The Motion was put and agreed to.

The Council adjourned to Thursday, the 10th January, 1895.

CALCUTTA;
The 10th January, 1895.

J. M. MACPHERSON,
Offg. Secy. to the Govt. of India,
Legislative Department.

Government of India Central Printing Office.—No. 394 L. D.—11-1-95.—330.—E. H.