ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

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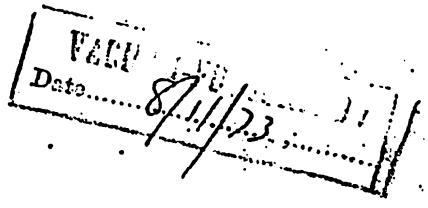
WITH INDEX.

VOL. XVIII.



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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 5th March, 1879.

PRESENT:

His Excellency the Viceroy and Governor General of India, G.M.S.I., *presiding.*

His Honour the Lieutenant-Governor of Bengal, K.C.S.I.

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, K.C.B., C.I.E., R.A.

The Hon'ble Whitley Stokes, C.S.I.

The Hon'ble Rivers Thompson, C.S.I.

The Hon'ble Mumtáz-ud-Daulah Nawáb Sir Muhammad Faiz Alí Khán Bahádur, K.C.S.I.

The Hon'ble T. H. Thornton, D.C.L., C.S.I.

The Hon'ble E. C. Morgan.

The Hon'ble F. R. Cockerell.

The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.

Lieutenant-General the Hon'ble Sir M. K. Kennedy, R.E., K.C.S.I.

The Hon'ble T. C. Hope, C.S.I.

The Hon'ble B. W. Colvin.

The Hon'ble Mahárájá Jotíndra Mohan Tagore.

CIVIL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble MR. STOKES presented the Report of the Select Committee on the Bill to amend the Code of Civil Procedure.

DESTRUCTION OF RECORDS BILL.

The Hon'ble MR. STOKES moved that the Report of the Select Committee on the Bill to authorize the destruction of Useless Records in Courts in British India be taken into consideration. He said that the only important change the Committee had made in the Bill was by extending its provisions to records, books and papers kept in Revenue-offices (which in many parts of British India were judicial tribunals), and to the records of the Administrator General.

The Committee had conferred the power to make rules for the destruction of the former records on the Chief Revenue Authority, and that of making rules for the destruction of the latter on the High Court. In each case the rules would require the sanction of Government.

There were some minor amendments which he need not mention as they were all enumerated in the report.

The Hon'ble MR. HOPE moved that the Bill be referred back to the Select Committee for consideration as to whether it should not comprise (whether by direction for including in the Rules, or otherwise) provision to ensure the preservation of important records for certain periods, the early return to the parties, where practicable, of documents put in evidence, and the giving of due notice before the destruction of such records and documents.

He said that at first sight it might appear that the subject of this Bill was a very trivial one, and that the mode in which it was proposed to deal with useless records was amply sufficient, namely, that their destruction should be regulated by rules made by the High Courts, and approved, in certain cases, by the Local Governments, and, so far as they related to Bengal, by the Governor General in Council. The Council need, however, only look as far as the Bill itself in order to see that a certain amount of importance attached to the subject. It appeared that the very basis of the Bill, the ground upon which it was required at all, was that legislation was necessary in order to authorize the destruction of the property of other people; and the end which the Bill would secure was that the Government would be protected from suits by private parties on account of anything they might do with regard to that property. That, he thought, was a very important fact, and such great power and great immunity ought not to be conferred except under suitable precautions and restrictions. The mode in which it was proposed to deal with the matter was to give a power of making Rules to the High Courts, subject to certain control provided in the Bill, which was pretty much the system which prevailed at present. It therefore seemed necessary, first, to look into the working of the present system. Now, he had unfortunately some considerable experience as an actual litigant in the Civil Courts, and also the experience which he might possess in common with all the administrative officers in the country; and he had seen and heard from time to time many objections to the method which was followed in the destruction of records. In the first place, there was a great tendency in the Courts to absorb documents; for one reason or another original title-deeds, agreements, accounts and other such documents were drawn into the Courts. It was true that there was a provision in the Civil Procedure Code by which a party, under certain circumstances, could get back a document from the

Court by putting in a copy, but in practice, for a variety of reasons, that provision was very little resorted to. It often happened that the real point in the case turned upon the hand-writing or signature to a document, or on whether it was or was not forged. Therefore, in a variety of cases, documents could not practically be so got back by the people by whom they were deposited in Court. And when the time came when the document might be given back, there were other practical difficulties to be encountered. The Court had to be petitioned, and in doing so a certain amount of expense had to be incurred. The Court had then to order a search for the document, and sometimes it could not be found, or was reported to be eaten up by white ants. In short, when once a document was in Court, it was uncommonly difficult to get it out. Furthermore, when a man, on perfectly reasonable grounds, believed that his document was safe in the custody of the Court, and left it so, he might on enquiry be told that it had been destroyed as a useless record. Such, Mr. Hope said, had been his own experience, and with regard to some other Provinces in India, the enquiries he had made of competent persons corroborated it, and shewed that the practice of documents being kept in Court and destroyed unnecessarily prevailed there also, and had been known to result in considerable expense and inconvenience.

However, if they wished to see how the present powers, which the Bill proposed to legalize, were likely to be used, they should look to the present rules of the Courts, which were the best guide to see whether the proposed legislation was wise. He had had considerable difficulty in getting hold of even some of them. When he applied for them some time ago, they were not to be had in the Legislative Department at all, and the Select Committee itself, if he was rightly informed, had not thought it necessary to take the trouble to look into them. However that might be, by hook or by crook he had at last managed to get hold of the rules of four of the different Courts in India. He did not wish to go into any detailed criticism of these four sets of rules, not only because it might be invidious to do so, but because a general statement would, he hoped, suffice for his purpose. Under these rules the destruction of useless records was provided for in very diverse ways; and he might safely say that if the provisions in some of the rules were not utterly superfluous, then provisions in others were utterly insufficient. He did not wish to trouble the Council with any great detail unless it proved necessary to do so. He thought his purpose would be insured by inviting attention to the three objects which his motion comprised, and for which, as it seemed to him, either the Act, or the rules to be made under the Act, should make definite provision. The Act need not go into detail, but might well require that the rules should provide *inter alia* for these three things. First, "the preservation of important records for certain periods."

By that he meant that records of a certain class of cases should be kept so many years, and of other classes of cases for longer or shorter periods, and of certain cases in perpetuity. Secondly, "the early return to the parties, where practicable, of documents put in evidence;" and thirdly, "the giving of due notice before the destruction of such records and documents," by which he meant, the giving notice, as far as practicable, to parties who had put valuable papers into Court. As a matter of fact, he found that nearly the whole of what he wished to see provided in the rules relating to all parts of India was provided, although not very clearly and completely, in the rules of the Calcutta High Court. Therefore, what he asked was nothing more than what some of the judicial authorities had found perfectly reasonable, although others had not done so. The reason why he did not make a definite motion that such and such words be inserted in the Bill was that these matters were better discussed quietly in Committee, and the exact wording could be best settled then. If his motion were carried, he would then, with the concurrence of the Law Member and the other gentlemen on the Committee, propose to add two or three members to the Committee, including himself, so as to give him an opportunity of stating his views. The mode by which he proposed to meet the object he had in view was one common in our Acts, namely, to say that the rules under the Act should provide for such and such main points. Practically, it would thus be seen that his request might be summed up as a petition for time and consideration, and in that light it did not appear to him to be unreasonable. He trusted, considering the desire which the Hon'ble Mover had always evinced to have his drafts rendered as complete as possible, that he would not withhold his support from the motion now before the Council.

The Hon'ble MAHÁRÁJÁ JOTÍNDRA MOHAN TAGORE said that he endorsed generally the views expressed by his hon'ble friend to his left. The MAHÁRÁJÁ could speak from personal experience that the facilities for taking back documents filed in Courts were not such as could be desired, and instances were not unknown in which, in the over-anxiousness to clear the record-room, important documents had been destroyed along with useless records. Too much precaution, he thought, could not be taken to prevent such proceedings. The object aimed at by the Hon'ble Member was certainly a good one and deserved consideration; but he (THE MAHÁRÁJÁ) confessed he was not prepared to offer any suggestion for the attainment of that object. He believed it could not be expected that the legislature should lay down any hard and fast rules for the purpose; but he submitted the Select Committee might well be requested to consider whether certain principles, on the basis of

which the local authorities should frame their rules, could not be embodied in the Act, with a view to preserve important documents from destruction. Such a course, it seemed to him, would have the additional advantage of securing a sort of uniformity in the rules, which he thought was desirable but which could not be obtained if their framing were left entirely to the discretion of the local authorities. For these reasons, he begged to give his support to the motion now before the Council.

The Hon'ble SIR MUHAMMAD FAIZ ALÍ KHÁN said he entirely concurred with the remarks which had been made by the Hon'ble Member who had just spoken.

The Hon'ble MR. COCKERELL said that, as a Member of the Select Committee to which this Bill was referred, he desired to submit to the Council that the course suggested in this motion was wholly unnecessary. The Bill was designed simply to give legal authorization to the practice which, in regard to the large majority of judicial records, had been in force in some parts of the Empire at least for about half a century; he drew attention to this fact as in itself suggesting a sufficient comment on the allegation that had been made as to the Government seeking immunity through this Bill from the legal consequences of dealing with private property: For although there had been no express legal authority for the destruction of any records or documents, he had never heard of a single instance of suits being brought against the Government for damage accruing to any individual through the practice which this Bill was to legalize; and he did not believe that it could be justly affirmed that the practice in question had worked injuriously to public or private interests.

Hitherto, except in the Bombay Presidency and Sindh, and quite recently also in Oudh and the Central Provinces, there had been no express enactment on this subject, and it was, he believed, open to doubt whether any statutory power was needed to effect all that was required as regarded the large mass of records and documents; for public records might be held to be the property of the State, and property in private documents deposited in Courts and public offices, it might be reasonably argued, became vested in the State, if after repeated notice the former owners persistently neglected to withdraw them.

The Bill, so far from giving any additional power to the High Courts to that which they had heretofore exercised in regard to this matter, imposed this important restriction, that the rules to be framed by them must obtain the sanction of Government, and then be published in the usual way before they could be acted upon.

But the Hon'ble mover of the amendment now before the Council was not satisfied with the degree of security to public and private interests to be obtained from these provisions, and thought, apparently, that the power of making rules for the destruction of records should be conferred only subject to certain conditions and qualifications as to the contents of such rules, for the due preservation of important papers, and due previous notice to parties affected by the contemplated destruction of any records or private documents.

The Bengal rules, under which papers were destroyed, now in force, contained the very conditions on both these points, which the Hon'ble mover would impose by express enactment; and having regard to this fact, the Committee considered it inexpedient to attach to the power of making rules conditions, the obligatory principle of which had been fully recognized in the spontaneous action of the Courts themselves.

For whilst, on the one hand, nothing was gained by enforcing in an enactment obligations which were already admitted and acted up to, there was, on the other hand, this objection to such a course, that by its adoption you did positive harm, inasmuch as you thereby weakened the sense of responsibility under which the discretionary power conferred on the Courts was to be exercised; for it was impossible to forecast such an exhaustive list of the necessary conditions and qualifications, as would dispense with the need for the exercise of discretion in any case or circumstances.

In providing that the rules to be made must meet with the approval of the Government, he submitted that all that was necessary or desirable had been done in the Bill as it now stood.

As regarded the suggested provision to be made in this Bill for ensuring the early return to their owners of documents put in evidence, he confessed his inability to see any connection between such a provision and the Bill under discussion, which dealt only with the destruction of records which had become useless.

Acts which dealt with the production of private documents—such, for instance, as the Civil Procedure Code, the Registration and Stamp Acts—contained in themselves proper provision for the due return of all such documents, and if this were not so, the proper place for the needed remedy would be in those enactments and not in the present Bill. The suggestion that some provision of this kind was needed, proceeded of course on the hypothesis that documents produced in evidence were unnecessarily detained, and that their owners did experience difficulty in their recovery. But was it really the case that such a

state of things existed at the present time? In the first place, he would remark that, under the law of procedure, as it now stood, original documents were not required to be filed with the record of any suit or proceeding; they had to be produced at the hearing of a case, and might then be withdrawn by their owners on copies being furnished by the latter for filing with the record. He might venture to say also, with some confidence in regard to this part of India at least, that no such difficulty in the way of the early return of private documents, as was apparently supposed to be felt, really existed. The true difficulty in regard to the return of documents, when they had been filed here, was precisely in the opposite direction, that was to say, the tendency of the owners of such documents was to leave them where they were, and often considerable pressure was required to induce such persons to withdraw them. So much was this found to be the case in regard to documents brought for registration, that it was found necessary to give power in the Registration Acts, to destroy all documents not reclaimed within two years from the date of their deposit.

For these reasons, he was of opinion that the proposal contained in the motion now before the Council should be rejected.

The Hon'ble MR. THORNTON said that, after the speech of his hon'ble friend on the right (Mr. Cockerell), he had little to say except to express general concurrence in the remarks made by him. He (MR. THORNTON) did not think that the Imperial legislature was in a position to issue directions as to the nature of the documents to be preserved, and the time during which they should be preserved, in the Courts and Revenue-offices throughout British India. These were matters which the local authorities, that is to say, the Judges of the High Courts and the Local Governments, were far better able to deal with than this Council—because they were matters which greatly depended, even as regarded general principles, upon local considerations. For example, in localities where there was an elaborate system of survey, settlement, record and registration of titles, the preservation of old and unclaimed documents relating to land was a matter rather of sentimental than serious interest; on the other hand, in localities where there had been no survey or registration of titles, the preservation of such documents was a matter of serious importance. So with regard to the time during which documents should be preserved. This would vary greatly according to the state of land-registration and other local peculiarities. In these circumstances, he did not think the time of the Council would be usefully occupied in attempting to frame rules or lay down principles suited to the varied circumstances and differing conditions of the several Local Governments and Administrations. Another of the Hon'ble Mr. Hope's

proposals seemed open to still greater objection. It was the proposal that provision should be made for the early return to the parties of documents put in evidence. The law (section 144 of the Code of Civil Procedure) already made ample provision for the return of documents filed by parties to a suit. Any dilatoriness on the part of Judges in carrying out those provisions was a defect, not in the law, but in the working of the law, and the proper remedy rested, not with the legislature, but with the executive; if the Bombay Judges were guilty of the delays imputed to them, so much the worse for the Bombay Judges; but it was not the fault of the law, and was no ground for legislative, though it might be for executive, action.

But though he was not in favour of the legislature attempting to lay down even general rules on the subject, there was nothing, he would observe, to prevent the Government of India, in the Home Department, exercising general supervision and calling the attention of Local Governments from time to time to observed defects in local rules for the destruction of records, and he felt sure that defects so pointed out would, if practicable, be at once remedied.

His Honour THE LIEUTENANT-GOVERNOR did not propose to support the amendment. At the same time, he felt that the objections raised to the Bill as it now stood were not altogether unreasonable. There did seem a want of great security that the interests of suitors filing documents should be attended to in the preparation of rules under the Act. It was, however, no doubt an unusual course to adopt to refer the Bill back to the Select Committee, and, on the whole, he thought the suggestion made by the Hon'ble Member who had just spoken would meet the object in view, namely, that the Government should undertake to draw the attention of the Local Governments to the points which had been noticed, and give them special instructions in framing rules to take all the precautions that might be necessary. HIS HONOUR thought that, if the Hon'ble gentleman and some of the other members who had just spoken, and who were practically acquainted with these questions, had been put upon the Committee, this discussion would not have arisen. The Select Committee appeared to him too small; and he hoped that in Bills of this sort, affecting the people at large, care would in future be taken to add to the Select Committee gentlemen acquainted with the practical working of the Administration.

The Hon'ble MR. THORNTON observed that, though he was not a Member of the Select Committee, he was invited to sit with the Committee and was in all respects treated as a Member, and he bore a full share of the responsibility which devolved upon the Committee in the consideration and settlement of the Bill.

The Hon'ble MR. STOKES said that he had been about to explain, in reference to His Honour's remarks, that the Hon'ble Mr. Thornton, though not formally, was substantially, a member of the Select Committee, whose meeting he had attended at MR. STOKES' request, and in the deliberations of which he had greatly aided.

The Hon'ble Mr. Hope's motion suggested three amendments of the Bill, of which the first would be impracticable, the second would be incongruous, and the third, if practicable, would be useless. The first—that the Bill should insure the preservation of important records for certain periods—would be impracticable, because, so great was the diversity of practice as to the files into which civil records were divided, so serious was the difference of local circumstances—as, for example, the size of the record-rooms, and the time in which they became filled—so various were the laws under which proceedings took place in the Courts and Revenue-offices of British India, that no two High Courts, no two Local Governments, no two Revenue-Authorities and, he thought he might add, no two members of a Select Committee, would ever agree as to what should be deemed "important records" and what periods should be fixed for their preservation. This assertion was not without basis. Before the report was presented, he had studied the rules for the destruction of records respectively prepared by two of the superior Courts—the High Court at Fort William and the Chief Court of the Panjáb; and he came to the conclusion that it would be impossible to make anything like a complete list of documents to be preserved in perpetuity or for any given term which would be accepted by each Court as satisfactory. He had not seen the rules issued by the Madras and Bombay High Courts; they were in the hands of Mr. Hope; but the Secretary had been informed by that Hon'ble gentleman that they presented startling contrasts to the rules issued at Calcutta and Lahore. So far from these long-standing discrepancies being regrettable, they seemed to MR. STOKES to show that each set of rules was adapted to its special environment, and therefore more likely to succeed in the struggle for existence than any general regulations which they could possibly frame in Committee for this congeries of countries called British India.

The Bill, in abstaining from detailed specification of documents, followed the precedent set not only by this Council in the Central Provinces Laws Act, but also by the Bombay legislature in the Acts mentioned in the schedule to the Bill. But the Bill improved on former legislation by requiring the approval of two Authorities to each set of rules—that was to say, the High Court and the Government of India, or the High Court and the Local Government, or the Chief Controlling Revenue-Authority and the Local Government. On the

whole, he trusted that the Council would agree with him in thinking that those high Authorities were far better suited to regulate such a matter than any Committee of this Council would be, and that tribunals entrusted by law with almost unlimited power over our lives, liberty and most valuable property, might safely be relied on to make rules as to the trumpery documents with which this Bill proposed to deal. He would conclude what he had to say on this part of the subject by quoting what one of their ablest and most experienced Judges (Mr. Justice Innes of the Madras High Court) had written on the Bill:

"I think the proposed Act is a very good one, as it leaves a proper discretion to do all that is required by rules to be framed by the Authorities best capable of judging what is wanted."

The second amendment suggested by the Honourable Member would, as he had said, be incongruous. Mr. Hope proposed that the Bill should provide for the early return to the parties of documents put in evidence. But such a provision would obviously be out of place in a little Act dealing with the destruction of useless records. It was matter for the Codes of Procedure, and there it was already sufficiently provided for. The Hon'ble gentleman appeared to forget that it was not necessary for the parties to civil suits to file original documents. Copies could be filed and the originals need only be produced at the trial. Their detention in Court, unless, indeed, they were impounded, was not, as Mr. Cockerell had pointed out, required by the law. They could be got back by substituting certified copies. This was all set forth in the Code of Civil Procedure, sections 59, 62, 143, 144. So the Code of Criminal Procedure, section 367, provided for the return, at the conclusion of the proceedings, of documents produced before criminal Courts and not impounded.

The third proposed amendment, as to giving due notice before destruction of records and documents, would, as he had said, if it were practicable, be useless. How and where was such a notice to be given? Was it to be published in the Gazette, or by proclamation, or served on every person concerned? To have any conceivable effect, such a notice must contain a complete list of all the records and documents proposed to be destroyed, and any one who had seen, as he had, even one Bengálí *nathi*, would know that the preparation of such a list would be impracticable with the limited official staff and funds at the disposal of the Judicial and Revenue Authorities. But furthermore, the notice, if it were practicable, would be of no earthly use; for no one would read this list. Moreover, as he had explained, no one need leave an original document in Court. Whoever did so must, therefore, be held to care little or nothing about the document so left, and formal notice to him after a long lapse of years

that this document, worthless in his eyes, was about to be burnt or turned into pulp if he did not remove it, would certainly be treated with the polite contempt which he believed the Natives of this country sometimes expressed for certain points in our over-elaborate system of administration.

For these reasons, he opposed this motion, and speaking for himself—his Hon'ble colleague Mr. Cockerell had spoken for himself with no uncertain sound—if the motion were carried and the Bill referred back to the Select Committee, he saw no chance of their altering their opinion.

The Hon'ble SIR ALEXANDER ARBUTHNOT was not prepared to say that he agreed with every word that had been uttered in the course of the debate in opposition to the amendment moved by the Hon'ble Member, but he might say that in everything that had been said by his hon'ble friend Mr. Cockerell he entirely concurred. It would be useless for him to advert to the various arguments which had been adduced against the amendment. But one remark he might be permitted to make, and that was that the appeal which had been made by his Hon'ble colleague Mr. Hope to the general experience of those who were engaged in the administration of the country, was in no way supported by the communications which had been addressed to the Government of India with reference to this Bill. They had before them reports from the Government of Bengal and the High Court at Calcutta, from the Chief Commissioner of British Burma, the Government of Madras, the Chief Commissioner of Assam, the Lieutenant-Governor of the Panjáb, the Chief Commissioners of Ajmer and the Central Provinces, the Government of Bombay, the Government of the North-Western Provinces, the Chief Commissioner of Mysore, and the Residents of Haidarábád and Baroda. In not one of these communications was a word said, that would lead SIR ALEXANDER ARBUTHNOT to the conclusion that the precautions which his Hon'ble colleague deemed to be necessary, ought to be taken by this Council. He (SIR ALEXANDER ARBUTHNOT), perhaps, need say but little as to that part of the motion which provided for the early return of documents to the parties; but he could not help being struck by some of his Hon'ble colleague's remarks on this point. His Hon'ble colleague alleged that it often happened that documents could not be got back, that documents could not be found, and that, not unfrequently, they were eaten up by white ants. It appeared to SIR ALEXANDER ARBUTHNOT that none of these contingencies were contingencies against which this Council could effectively provide. What his Hon'ble colleague Mr. Thornton had said on that part of the amendment appeared to him quite convincing. But in his opinion it was not to be regretted that this debate had taken place, and he should be very

glad if the proceedings of this Council were more often characterised by discussion and debate.

With reference to the suggestion which had been made by His Honour the Lieutenant-Governor of Bengal, he thought he might say, on the part of the Government of India, that the Executive Government would be careful to draw the attention of the various Authorities concerned, to the allegations which had been made, and to the arguments which had been used, in the course of this debate, and would direct their serious attention to the necessity of so framing the rules as to prevent, as far as might be possible, any of the evils against which this amendment was directed, occurring in their respective territories.

The Hon'ble MR. HOPE said he felt himself in a position of some difficulty, between his desire not to take up the time of the Council, and his inclination to point out the very obvious answers which existed to almost every one of the objections which had been advanced; and if, in his desire to be merciful to the Council, he failed to be just to the cause of the people, which he believed himself to be serving, he should no doubt be somewhat to blame. He did not wish to take up time with captious objections; but he would demur, first of all, to the statements which had been made by the Hon'ble Mr. Cockerell, who was a Member of the Select Committee on the Bill. First, he understood the Hon'ble Member to say that all that was at present contemplated was to stereotype the practice which had existed in Bengal for half a century, without a single suit being instituted against Government for the loss of a document which had been destroyed. That might be taken in two ways. If MR. HOPE was to understand that the Hon'ble Member approved of the rules passed by the High Court, and that those rules had acted so well, then those rules contained, and this Bill did not, all the safe-guards which he was anxious to see provided. And he might add, with reference to the remarks which fell from Sir Alexander Arbuthnot, who said that he had carefully looked through the papers and had found nothing therein which showed the necessity for this amendment, that he, to a certain extent, had taken the idea of a part of his amendment from the papers which were received from Bengal and printed as No. 9. Mr. Field, in a very able report on the subject, mentioned that in all the rules from the earliest times—in 1833, in 1852 and in 1865—provision had been made for the return of documents to the parties to whom they belonged, and that the rules of 1852 required the preservation of original documents filed by the parties.

So, if it was the system prevailing in Bengal which the Hon'ble Member wished to stereotype, then it was clear that MR. HOPE'S view was in accord with that of the Hon'ble Member. But if the system he desired to con-

firm was that shewn by all the rules as they were found in other places, then MR. HOPE demurred to the propriety of stereotyping rules such as those he found laid down by the Madras High Court. These rules occupied only half a page, and it was there said that, excepting judgments and decrees of the Civil Courts, and any documents which the Judge, for special reasons, might order to be preserved, all records, including documents put in by parties as exhibits, were to be destroyed after three years! Now, was it the system in Madras or that in Bengal, or the general want of system, which the Hon'ble Member desired to stereotype?

Another point which had been dwelt upon by more than one Hon'ble Member was, that the rules would not be acted upon until they had been sanctioned, and His Honour the Lieutenant-Governor supported Mr. Thornton's suggestion, which MR. HOPE admitted was an exceedingly good one, that the Home Department should draw the attention of the Local Governments to the desirability of providing in the rules for the objects MR. HOPE desired. But as to that MR. HOPE would point out that, according to the present Bill, it did not follow that there were going to be any new rules at all. The Bill merely said that the Court might, from time to time, make rules, and section 6 of the Bill provided that the rules now in force should continue and have the force of law until they were rescinded. Therefore, it did not follow that there would be any new rules passed in consequence of the passing of this Bill; and therefore the effect of the suggestion would at best be that the next time any rules were revised, these matters would be taken into consideration. Further, some of these rules were made by the High Courts, and he did not know whether the High Courts would altogether relish receiving a letter from the Home Department pointing out what was desirable. Again, if it was desirable to put such directions into a letter, why might not they be sufficiently sifted to be put in the shape of directions in broad terms into the Act? Again, the Hon'ble Mr. Cockerell had remarked that what MR. HOPE wanted was to impose restrictions which had already been recognized as obligatory. But what MR. HOPE had said in regard to the rules in force in the Madras Presidency distinctly showed that the restrictions he desired were *not* held to be obligatory there.

Another point was one which had been dwelt upon by the Hon'ble Mr. Thornton and other Hon'ble Members, but with reference to which MR. HOPE must point out that the scope of his amendment had been entirely misunderstood. The Hon'ble Member had pointed out that it would not be possible, on account of the varying circumstances and advancement of different Provinces of India, to prescribe in the Act the nature of the documents which should be preserved and the time after which they might be destroyed. But

MR. HOPE'S amendment did not contain anything which could bear such a construction. All that he contended for was that each Court should in the Rules prescribe, amongst other things, periods for the destruction of records in proportion to the importance of the documents. Therefore, everything that had been said by Hon'ble Members on this point might be held to have been unintentionally irrelevant.

With reference to the epigrammatic summary by the Hon'ble the Law Member, of the amendments which MR. HOPE had proposed, that the first of them was impracticable, the second incongruous, and the third, if it were practicable, would be useless, he would remark that epigrams were somewhat dangerous things, and he was afraid that epigrams of that sort would seldom bear scrutiny. He might take up the time of the Council by replying in the same style; but he would only say that to him it seemed that such of the Hon'ble Law Member's remarks as were not irrelevant were erroneous. The first objection, that the amendment was "impracticable," was founded upon a totally mistaken construction of it, namely, that it contemplated that the Act should specify in every case beforehand what sorts of documents should be preserved and what should not; and that there should be a uniform system of rules throughout India. But for this MR. HOPE did not contend, and such a contention, it would be seen, would not be in accord with the manner in which the entire Bill had been drafted. All that he wished was to secure that the rules should provide for the preservation of documents for suitable periods. He regretted to hear that, by the Hon'ble Member, all those records which contained valuable evidence, accounts and deeds, were designated as "trumpery documents." That was the key-note of the Hon'ble Law Member's treatment of the Bill, and though it would seem to be also the view which the High Court of Madras entertained, he must altogether repudiate it.

With reference to the objection made by one Hon'ble Member, and which finally came from the Hon'ble Mover of the Bill, in the form that the second part of MR. HOPE'S motion was "incongruous," inasmuch as it related to the early return of documents put in evidence, and the explanation that it was incongruous because the law already provided that documents filed in Court should be given back to the parties, he must point out that that was an error apparently arising from a too superficial consideration of the requirements of the law. The upshot of the sections of the Civil Procedure Code to which reference had been made (59, 62, and 143-4) was, that a person should ordinarily be entitled to the return of his document when he asked for it. But what was provided in the Bengal rules was, that to every copy of a decree given to the parties to a suit a printed notice

should be attached, calling upon them to remove their documentary evidence as soon as the decree became final; and again, that at another stage notice should, wherever practicable, be given to the person or persons on whose behalf any documents were brought into Court, calling on them to take them back into their own keeping within six months,—thus giving the owners of documents in Court a fair warning, which they would neglect at their peril.

The third objection was that, if the measure proposed were not impracticable, it was useless. MR. HOPE submitted that it was neither the one nor the other. If it was impracticable, he should like to have explanation as to how analogous provisions came to exist in the rules of the Bengal High Court, and to have worked, according to the Hon'ble Mr. Cockerell, satisfactorily for nearly half a century, and to have been re-enacted in the new set of rules in July, 1877. The rules provided that notice to withdraw their documents should, wherever practicable, be given to the parties both at the time of decree and on a subsequent occasion, that certain records should be preserved for various periods of time, and that certain documents should be preserved even though not taken away. If that was not practicable, then the Bengal High Court had put very foolish provisions in their recent rules. If it was, then the supposition of the Hon'ble Law Member that no staff of clerks would be able to carry out MR. HOPE'S proposal, and that notices could not be issued, was opposed to the facts. As to the assertion that MR. HOPE'S views were not corroborated by the general experience of the country, he would remind the Council that he had already pointed out that such corroboration did exist in some of the papers, and would also observe that in the reports received on Bills, it did not often occur that the Council got remarks from all quarters upon specific points unless attention had actually been drawn to them and opinions had been required. If a circular were now to go to the Local Governments asking if they considered, on the whole, that provision should be made in the rules under the Act for securing the early return of documents put in evidence and the giving of due notice before the destruction of important records and documents, he believed that five out of six of them would think it very reasonable that such provision should be made.

In conclusion, he would submit that he had, he believed, given effectual answers to the whole of the objections which had been made. The argument against his motion amounted to this, that the interests of suitors were already sufficiently protected by the existing system. If so, he did not see why they should legislate at all in the matter. What he urged was, that if they were going to make a law, they must sufficiently protect the interests of those who would be affected by it. He would remind the Council that his motion was

simply for time and for the re-consideration of the Bill with the assistance of a Committee larger than the present one, the smallness of which had been so suitably commented upon by His Honour the Lieutenant-Governor. If after the Committee had obtained copies of all the rules in force in the different Provinces and looked at them, and had asked the Local Governments if they thought the provisions suggested by his motion were desirable or otherwise, the Committee should come to the conclusion that no amendment in the Bill was necessary, he should be perfectly satisfied. There was no urgency for the passing of the Bill, and there was nothing which made it necessary that his plea for time for further consideration should be denied.

When he was referring to the rules of the Madras High Court, he had accidentally omitted to mention that he had also consulted the Panjáb rules. They were generally good rules compared with some others, but were open to exception. For instance: it was first provided in Rule 12 that the file A in all civil suits for immoveable property should be preserved in perpetuity. But that was governed by a later rule which said that, when the record-room was over-crowded, the Deputy Commissioner might, with the sanction of the Commissioner, order the destruction of "all records of suits for or relating to rights in immoveable property which had been decided for twenty years and upwards." What then would be the position of an unfortunate man who, relying upon Rule 12, and believing that under it certain important papers relating to his property were safe and to be preserved, left them there rather than make an application for the return of them which might be opposed by his other sharers in the land, but who, when he did apply to the Court for them in some emergency, was told that the papers had been burnt five or six years previously, as there was no space for them in the record-room? It was true that, in such cases, an abstract of the property and right concerned, and the final order, were preserved; but, having proper regard to the protection of property, he thought that no such abstract or final order of a Court would compensate for the loss of an original document giving a title to land. The Panjáb rules contained no provision at all for notice or return of documents to parties, and he would conclude by offering them as an illustration of his case.

His Excellency THE PRESIDENT said that the amendment appeared to him in its main character to be undesirable, nor was it desirable in the real interests of the owners of documents which had been put in evidence. He did not think that that view had been disputed by any Hon'ble Member, and it did not seem to him that the Hon'ble Member had shown that the identical rule was practicable in all parts of India, or that directions in support of that object should properly be the result of legislative enactment instead of executive orders.

Although he sympathized with the object of the amendment, he did not feel in a position to support it. He therefore opposed the motion.

The amendment was put and negatived.

The Hon'ble MR. STOKES' motion was then put and agreed to.

The Hon'ble MR. HOPE moved that the following words be omitted :—

In the Preamble, "and Revenue-offices."

In section 4, "and offices."

In section 6, "or Revenue-office."

The inclusion of these words, as far as he was able to make out, was owing to some remarks which fell from the Hon'ble Mr. Thornton on the 16th October last. He said—

"If legislative sanction was really necessary to authorize the destruction of public records on the ground that, amongst those records, there were documents which were private property, why should the scope and operation of the present Bill be confined to judicial records only? Why should not its operation be extended so as to embrace the records of other departments of the Government? The records of the Revenue, Settlement, Police and other departments were very voluminous."

There was also an allusion to the matter in a letter from the Government of the Panjáb and in a letter from the Government of Bengal ; but whether the Bengal Government supported the proposal or not, MR. HOPE thought was not exactly clear. It appeared to him that, before making this important addition to the Bill, all the Local Governments should be consulted, because, adopting the argument recently used in the other case, the circumstances of suits and the nature of the work under different Governments were so various, that legislation which might be exceedingly desirable in one Province, might be totally undesirable in another. What might be the force of that objection, he left others to consider. But he would ask, in the first place, what were "revenue-records?" If they were the records and letters of the Collector, he, as the head of the district, was corresponding perpetually on every kind of subject. His records and letters were all filed and kept together, and it would not be possible for a letter relating to the settlement of land-revenue and a paper relating to any ordinary matter, to be treated differently. But besides considering the circumstances and varying conditions of different parts of India, the words "Revenue-office" were totally unsuitable. But again why "Revenue-offices" only? Why not Police and other offices?

Why select Revenue-offices in particular? Why not include the Secretariat offices? The reason for legislation given was that the papers in Revenue-offices sometimes included private documents. Did all valuable documents of private persons always stick with the Collector and never come to the Government of India or the Local Governments? If all the other public departments were not included, the provision would be an imperfect provision, which would not answer the ends it was intended to meet. MR. HOPE would put aside the question, which had been mentioned in a letter from a Bengal officer, Mr. Field, as to whether it was necessary to have legislation, a question which the Hon'ble Mr. Cockerell also seemed doubtful about. Leaving that aside, MR. HOPE would say that such documents were exceedingly rare as compared with the mass of other records, and he thought that greater care would be taken of them if they were left as they were than if destruction of them were legalised. But private documents were by no means the most important documents. All manner of reports and accounts of the early history of the country from the time of Sir John Malcolm were amongst the records of Revenue-offices. It was only the Local Government which could judge how far these papers could be destroyed, and it would be very much safer to leave the matter to the discretion of the heads of Departments themselves, than to have formal rules rigidly acted on with the force of law. In short, it seemed to MR. HOPE that when they proceeded to legislate as to particular correspondence, they were over-legislating. It might be reasonable to legislate for the records of Courts, but not as to the correspondence of ordinary offices. It might next be a question whether they should not legislate in regard to their own private correspondence, so that no man should keep a document belonging to another person without the permission of the State. He therefore held that Revenue-offices should not be included in the Bill,—in the first place, because the matter could not be properly provided for by legal rules; secondly, because legislation was unnecessary, and thirdly, on the ground that we should avoid over-legislation.

The Hon'ble MR. THORNTON said that his hon'ble friend's amendment was based upon two objections which appeared somewhat inconsistent one with another; one being that the provisions of the Bill were too extensive, and the other that they were not extensive enough. As for the first objection, that is to say, that no case had been made out for the extension of the Act to Revenue-offices, he would explain that, as rules for the destruction of records in Revenue-offices already existed—at any rate he could vouch for the fact of their existence in one Province—it was thought desirable to include these offices within the scope of the enactment. But it would be observed that the Act was permissive in its character, and that if in any locality no rules were required to regulate the destruction of useless documents in Revenue-offices, they need

not be made. As for the second objection, namely, that, if the provisions of the Act were made applicable to Revenue-offices, they should be made applicable to all Government offices, he would remark that the argument was theoretically plausible; but there was a difference between the case of Revenue-offices and the offices of Government not included within the scope of the Bill, namely, that, in the case of the former, there was some evidence that destruction of records was carried on and that rules were required; in the case of the latter, there was no such evidence. He (MR. THORNTON) was not afflicted with a phrenzy for legislative symmetry, and preferred not to legislate unless there were grounds for believing that legislation was practically wanted. Should it appear, hereafter, that other Government offices required to be relieved by periodical destruction of papers, including private documents, it would not be difficult to pass an amending Act.

The Hon'ble MR. STOKES said the extension of the Bill to records, books and papers contained in revenue-offices (the expression "revenue-records" did not occur in the Bill) was made not merely at the suggestion of the Hon'ble Mr. Thornton, but also of Mr. Barkley (now, or lately, a Judge of the Chief Court at Lahore), and lastly, of Mr. Field and Mr. O'Kinealy with the concurrence of His Honour the Lieutenant-Governor of Bengal. Such record, he was told, occasionally did comprise private documents, and for this reason they should be dealt with in the Bill. He was therefore compelled to oppose this motion also, and to express a hope that the Hon'ble gentleman would now allow the Bill to become law.

The Hon'ble MR. HOPE said that, in the first place, no answer had been given to his question as to what revenue-records were. In the second place, he believed it was a mistake to suppose that the power given was purely permissive. The object of the rules was the protection of private parties, and therefore the word "may" would be construed as obligatory and imposing a duty for the benefit of the subject. Instead therefore of the Bill being permissive, it *required* that rules should be made. He knew that rules existed in Bombay, as well as in the Panjáb. But his argument was that it would be better to leave the framing of this sort of rules to the action of the Local Government instead of requiring them to be made as law. The Council had no proof, except from the two Local Governments named, that any of them desired or found it necessary to have legislation on the subject, and he thought that it was much better to leave the matter in the hands of the executive officers.

The Motion was put and negatived.

His Honour THE LIEUTENANT-GOVERNOR moved, as an amendment to section 5, that all the words after the word "sanction" in line 2, to the word "rules" in line 6 be omitted. Great stress had just been laid, and he thought very properly, on the importance of the rules under this Bill being approved by the Local Government. If the rules went before the Local Government, it had been said, local peculiarities would receive that consideration which they could receive only at the hands of the Local Government; and it was on the ground of the local knowledge which was required to make rules under the Act work satisfactorily that the proposal to give detailed instructions in the Bill as to the form of the rules had just been negatived. But he was surprised to see, in the face of that argument, that, as regarded the largest Province of India, namely Bengal, the Local Government had been entirely set aside, and such protection as the people would get from the security given to them of having the rules, which would be framed by the Court, tested, examined and confirmed by the local executive authorities was set aside, and the section provided that the rules for all the District Courts of Bengal should be framed by the High Court, and should be submitted, not to the Local Government, to whom the rules framed in the other Provinces must be submitted, but to the Government of India, which had just avowed itself not to be in a position to deal with these local questions. The only security to persons interested in suits would be to provide that the rules should be approved and sanctioned by the Local Government, and he therefore proposed the amendment. An alteration had been made in the Bill since he had expressed his approval of its principles.

The Hon'ble MR. COCKERELL wished to say a few words in explanation of the vote which he intended to give in reference to this amendment. The Bill as introduced into the Council provided for the rules to be framed under the Act by the High Court at Calcutta being referred for the sanction of the Local Government; but it had been represented to the Committee that such a provision would be inconsistent with the general practice obtaining in cognate cases, under which the Government of India was the general referee in matters in regard to which the action of this High Court required the concurrence or approval of the Executive Administration. He was not going to say anything on the very delicate question of the relations between the Local Government and the High Court of Calcutta in the matter of executive control. It was well known to the Council that on this point high functionaries had from time to time displayed extreme sensitiveness. He (MR. COCKERELL) had advocated in Committee the propriety of making the reference, in the case of the High Court at Calcutta no less than in the case of other High Courts, to the Local Government, but had been over-ruled on the ground that it would

be an innovation on the existing practice. But he thought that, in a Bill of the kind before the Council, it was essentially necessary, whatever might be the general practice, that rules framed by the High Court at Calcutta should be made subject to the approval of the Local Government.

The Hon'ble MR. STOKES said that, as the Bill was originally framed, it provided that all rules made by the High Courts should be submitted to the Local Government for approval. But the High Court at Calcutta had observed, with perfect accuracy, that the practice was that rules made by that High Court should be approved by the Government of India, and not by the Local Government, and the Committee altered the Bill accordingly. Now His Honour objected that he would have no opportunity of seeing that the rules made by the High Court at Calcutta were adapted to the circumstances of the Province. It seemed to MR. STOKES that, by adopting a middle course, namely, by providing that the rules should be submitted, in the case of the High Court at Calcutta, "through the Local Government to the Governor General in Council," the difficulty raised by His Honour the Lieutenant-Governor would be obviated and the *amour propre* of the High Court preserved. And he proposed, with the permission of His Excellency the President, to move an amendment to that effect.

His Honour THE LIEUTENANT-GOVERNOR strongly objected to any distinction being made between the High Court at Calcutta and the High Courts of other Provinces in a Bill such as this. If local experience and the control of the local executive was called for in one case, it was called for just as much in the other.

The Hon'ble MR. STOKES said that the change which His Honour proposed would be very annoying to the Calcutta High Court. No one knew better than His Honour that the world was governed by feeling as well as reason, and that neither of these factors should be disregarded by a legislature. Besides, such distinctions as were made by the Bill had often been made by this Council; see, for instance, Act X of 1875, section 5, which provided that, for the exercise of its original criminal jurisdiction, each High Court might hold sittings in the Mufassal, "in the case of the High Court at Fort William, with the consent of the Governor General in Council, in all other cases, with the consent of the Local Government." Parliament, moreover, in framing the High Courts Act (24 & 25 Vic., c. 104) had made a clear distinction between the Local Governments of Madras, Bombay and North-Western Provinces and the Local Government of Bengal. In fact the latter Government was ignored.

The Hon'ble MR. HOPE said the amendment proposed was entirely in harmony with the vote which had been just passed on the first of his two amendments. It was held that the Local Government was best fitted to deal with questions such as would be provided for in the rules passed under the Act.

The Hon'ble SIR JOHN STRACHEY gave his support to the amendment of His Honour the Lieutenant-Governor. He thought it was not right that the legislature should in any way, even in a small matter like this, recognise the principle that the relations between the High Court of Fort William and the Local Government of Bengal ought to differ in any way from the relations of the High Courts of other Provinces with the Local Governments of those Provinces.

The Hon'ble SIR ALEXANDER ARBUTHNOT said there were two amendments before the Council, one proposed by His Honour the Lieutenant-Governor, and one moved by his Hon'ble friend the Law Member. He now ventured to propose a third amendment. He ventured to suggest that the reference to the Government of India of the rules made under the Bill be not confined to the Province of Bengal, but be extended to all the Provinces of India. It seemed to him that by taking that course they would to some extent meet the objections which had been advanced by the Hon'ble Mr. Hope, and they would also meet the other objection to which allusion had just been made, but which he would not more specifically characterize. He did not think that the amendment which he was about to propose, would entail much additional labour on the Government of India, and the effect of it would be, that in those matters in which uniformity might be desirable, uniformity would be ensured; and that in those respects in which defects in the rules might be capable of a remedy, a remedy would be given. He would move that, for section 5 of the Bill, the following be substituted, that is to say:—

"All rules made under this Act shall, after being confirmed by the Local Government and sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law."

His Honour THE LIEUTENANT-GOVERNOR then said that the amendment now proposed by the Hon'ble Sir Alexander Arbuthnot would meet his view, and he therefore withdrew his amendment.

The Hon'ble MR. STOKES also withdrew his amendment. The Hon'ble Sir Alexander Arbuthnot's amendment was in exact accordance with the procedure prescribed by the Court Fees Act, section 20, as to rules made under that section.

The Hon'ble SIR ALEXANDER ARBUTHNOT'S amendment was put and agreed to.

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

The Motion was put and agreed to.

PRESIDENCY BANKS ACT AMENDMENT BILL.

The Hon'ble SIR JOHN STRACHEY introduced the Bill to amend the Presidency Banks Act, 1876, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Stokes, Morgan, Hope, Colvin and the Mover. He said that the Statement of Objects and Reasons annexed to the Bill left him little or nothing to say on behalf of the motion made. When he had asked leave to introduce the Bill, he had explained to the Council the object with which it was brought forward. The most important provision in the Bill was that which he had stated last week. He then said—"Its necessity had mainly arisen from doubts which had been expressed as to whether the Banks had power, under the Act of 1876, to borrow money by pledging the assets or property of the Bank." The three Presidency Banks presented memorials to the Government and begged that the law might be so amended that all doubt on this subject might be removed. The other sections of the Bill provided for some small amendments which it was thought desirable to take this opportunity of making. There were only one or two of those amendments on which he need say anything more than was said in the Statement of Objects and Reasons. The provision by which it was proposed that the President and Vice-President should not be eligible for election for two consecutive years was based on the model of the Bank of England. He believed that the Governor and Deputy Governor of the Bank of England practically served for two years; and if on discussion in Committee it should be thought right that the Presidents and Vice-Presidents of the Presidency Banks should be allowed to serve two consecutive years, the Government had no objection to offer. He might add, in reference to some remarks which had been made by one of the Banks, that at one time it was thought it might be necessary to make legal provision to enable the Banks to make loans on provincial debentures. The Government had been advised that these securities did not differ from other securities guaranteed by the Secretary of State for India. His Hon'ble friend Mr. Hope at the last meeting of the Council made some remarks which appeared to show—SIR JOHN STRACHEY was not sure that he interpreted the Hon'ble Member correctly—that he desired to take the opportunity of urging the propriety of making some important changes in the existing law. SIR JOHN STRACHEY thought it right therefore to say that the Executive Government did not consider that any important changes in the existing law ought now to be made; and under these circumstances, he did not consider that any useful purpose was to be gained by discussing the subject. As he had said last week,

the Act had been in force very nearly three years, and there was no doubt that it had worked on the whole exceedingly well. Such small amendments as it was now proposed to make were for the most part proposed in accordance with a desire expressed by the Banks themselves, and there appeared to the Government no reason for altering at present any of the substantive provisions of the law.

The Hon'ble MR. STOKES said that he wished to supplement his hon'ble friend's remarks by a few words explanatory of the doubt which had been raised as to the power of the Directors of the Presidency Banks to borrow in India by pledging assets. It might, at first sight, be supposed that they already possessed such a power, for power to borrow was so necessary to a banking company that its directors could not be deprived of it save by express words or necessary implication. Furthermore, there was clause (*a*) of section 36 of the Presidency Banks Act, which authorized the Banks to do "all such matters and things as may be incidental or subsidiary to the transacting of the various kinds of business hereinbefore specified." In point of fact, a high legal authority in England had held that the Directors of the Presidency Banks had this power to borrow, and his view was supported by Mr. Justice Lindley, in the new edition of his treatise on Partnership and Companies (p. 270), and by the decision of the Judicial Committee in the *Bank of Australasia* v. *Breillat*, 6 Moo. P. C. 152. Certain leading members of the Calcutta Bar, however, had thought it possible that the particularity with which the Directors' powers were specified in the Act might possibly lead the Judges to hold that power to borrow by way of pledging assets (which power was not so specified) was not intended to be conferred on the Directors; in other words, that the Act was in this respect restrictive of the ordinary powers of Bank Directors. MR. STOKES had a better opinion of the Judges; but the existence of such a doubt, when expressed by gentlemen of great professional eminence, fully justified the proposed legislation.

The Hon'ble MR. HOPE said he had only to explain that, at the last meeting, the Council were not in possession of any information as to what the general scope of the Bill was to be, and therefore he thought it not out of place to express his general opinion that the opportunity should be taken to amend the Act in the direction which he had indicated. But now that he had seen the Bill, he thought that the amendments he had in view could not well come within its scope. He, therefore, disclaimed any desire to hamper this Bill by any such suggestions. Time, he thought, would soon show important amendments made in the law relating to banks in England, which we should be compelled to adopt here.

The Motion was put and agreed to.

The Hon'ble SIR JOHN STRACHEY also moved that the Bill be published only in English in the *Gazette of India*, the *Calcutta Gazette*, the *Fort Saint George Gazette* and the *Bombay Government Gazette*.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 12th March, 1879.

CALCUTTA ;
The 5th March, 1879.

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

Exd.—J. G.

Govt. Central Press.—No. 740 L. D.—25-3-79.—230.