

Friday, July 18, 1879

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 18

Jan. - Dec.

1879

P L

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

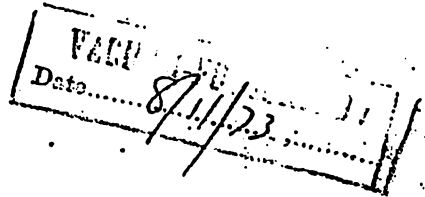
ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1879.

WITH INDEX.

VOL. XVIII.



Published by the Authority of the Governor General.

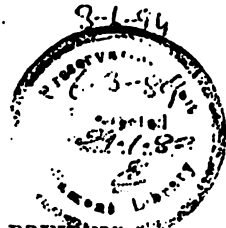
Gazettes & Debates Section
Parliament Library Building
Room No. FB-025

Block 'G'

CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

1880.



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

The Council assembled at Government House on Friday, the 18th July, 1879.

P R E S E N T :

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

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

His Excellency the Commander-in-Chief, G.C.B.

The Hon'ble Sir A. J. Arbutnot, 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 John Strachey, G.C.S.I.

General the Hon'ble Sir E. B. Johnson, B.A., K.C.B.

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

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

The Hon'ble F. R. Cockerell.

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

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

The Hon'ble B. W. Colvin.

DEKKHAN AGRICULTURISTS' RELIEF BILL.

The adjourned debate on the Bill was resumed this day.

The Hon'ble MR. RIVERS THOMPSON said—"My Lord, in the very few remarks which I wish to offer on the resumption of this important debate I have no desire to question the propriety of the free and impartial criticisms which have passed upon many details of the Bill before the Council, but would prefer to confine myself to the general aspects of the measure; because I think, from the tendency of many of the observations which we heard yesterday, it would seem as if we were losing sight of the main principles which we wish to maintain, and of the causes which have led to the interference of the Government in a matter which, if special reasons did not exist, it would have been right to leave to the ordinary laws and procedure of our Civil Courts. For my own part, I take no exception to the severity of those criticisms; for I think when a case of such grave and far-reaching importance, and one which has occupied the attention of Government for many years, comes before the Legislature of the Supreme Government, it is necessary and desirable, and not incompatible with an earnest

desire for an effective solution of long-standing and serious difficulties, that there should be the most unqualified freedom of debate. I think it right to express this opinion very decidedly, because, obviously, we are not dealing with a sudden emergency of the immediate past, nor with a question in which unanimity of opinion has always existed as to the relief to be afforded, but one the magnitude of which has claimed the close attention of successive administrators in the single Presidency affected by the Bill, and for the remedy of which innumerable proposals have been put forward by the most experienced officers upon whom it has devolved to consider the matter. In confirmation of this view, I would refer the Council to the single page at the beginning of the second volume of the Commission's Report, from which it will be seen that this complicated question of the Dekkhan raiyats' indebtedness and troubles has since 1843-44 been continuously before the Local Government; and in the *précis* of correspondence on the remedial measures from time to time under notice, we find the recommendations of the Bombay Government in 1844; suggestions by the Chief Justice in 1863; proposals by Captain Wingate in 1852; by Mr. Fraser Tytler in 1859; by the Hon'ble Mr. West's pamphlet in 1872, and by Mr. Pedder's report about the same year. Even of these it is said that the summary covers but a fractional part of the recommendations with which the Bombay records abound.

"With such facts before us, it is inconceivable, in the first place, that any single measure, and that referring chiefly to the procedure of the Courts, should provide the complete cure of evils of such great intensity and arising from such a vast variety and combination of causes; and, secondly, it is impossible that, constituted as this Council is and representing the different experiences of different parts of the Indian Empire, even that single measure, framed on exceptional lines for a special object and to be tentatively applied, should not elicit a diversity of opinion on many of its details. For myself, therefore, I may say that, while I listened with the greatest interest to the speeches of Hon'ble Members objecting to detached provisions of the Bill, and value their contributions so far as they demand a careful scrutiny of the impugned sections, I maintain still the necessity which is imposed upon us as the Government of the country to support the leading principles on which the Hon'ble Member in charge of the Bill would propose to legislate. At this stage—the second reading, if I may so call it, of the Bill—it would have been open to any Member, as I understand the rules, to attack the principles of the measure and to oppose its reference to a Select Committee. I am glad that no such course has been taken. It seems to me that, having regard to the time and labour which preceded its introduction—to the urgent request of the Local Government for such a law—and to the correspondence which has passed with the Secretary of State, it would have been unreasonable to have done so. And if in some of its features

it still appears open to objection, I would remind the Council that the Bill has still to go to the Bombay Government for reconsideration, with a request that it may be submitted to the learned Judges of the High Court of that Presidency, and that, when their views upon the measure have been received (and I have no doubt their attention will be directed to all the points of difference which this debate has brought out), it has afterwards to undergo a detailed revision by the Select Committee here. There is thus ample security that no hurried or imperfect project of law will issue from this Council.

“I take it that the general view in which we may regard the position of the question, so far as this Bill is concerned, is that, upon the evidence adduced by the Commission, which gives no uncertain sound in the matter, the districts of the Dekkhan, with an impoverished and ignorant population, are suffering from our having imported into them laws and institutions suited only to an advanced and educated community; and that, where the people are not educated and not prepared for an elaborate and technical procedure in the administration of the law, we are bound to introduce for their benefit some simpler form for the adjustment of their numerous disputes. I share in no way the sentiments expressed by the Hon’ble Member from Bombay as to the character and effect of the regular civil code procedure upon the country. Though I do not remember his exact words and am unable at this moment to refer to his speech, I think I am not incorrect in stating that he looks upon the 650 sections of the Civil Procedure Code as a burden too heavy to be borne by India, and as a curse from which it should be relieved. It requires no words from me to rebut such radical sentiments; but, if the Hon’ble Member considers that his present scheme of procedure in civil actions between creditors and debtors is a model for general imitation, or is capable of extension to all classes of the people and to all parts of the country, I am sure not only that he will be disappointed in his expectations, but that most people will rejoice at his disappointment. On the exceptional grounds that we are in the presence of a great calamity, I am prepared to support this Bill. That calamity in the Dekkhan is due in part to the caprices of climate and to the natural evils to which all Indian agriculture is exposed, and which no Government action could prevent or anticipate. But, so far as it is in our power to help, by the establishment of special Courts, by an increase in the number of the Judges, and by the substitution of less complex rules and laws of procedure, in the settlement of difficulties for which, in an embittered social condition especially, our present law is unsuited or inadequate, I have accepted this measure as a tentative proposal for the relief of the emergency. In that character I am ready to support it as desirable for the present need; and in that character I am prepared to favour any reasonable amendments when they come before us for later consideration.

"At the same time, My Lord, I think we must all feel that, however necessary and urgent this present measure of legislative reform is, it is but a small instalment of the remedies which the disorder demands. We have to deal with a case of poverty, ignorance and indebtedness among the people prevalent in these districts for a long series of years, dating, I believe in some parts, to a period antecedent to our advent as rulers; and a heavy responsibility rests upon the Local Government to meet the claims of the case by liberal administrative arrangements. The country possibly needs the introduction of a system of canal irrigation, and it certainly will not suffer by the extension of its schools and the improvement of those which are already in existence. I hope the attention of His Excellency the Governor of Bombay will be attracted also to the remarks of my hon'ble friend the Lieutenant-Governor of the Panjáb as to inflexible terms under which the Government revenue is realized; and, though the difficulties of that problem are great in the presence of what I believe to be generally a light assessment, the attempt to solve that problem and the caution necessary at the revision of settlements in the matter of the enhancement of the land-revenue will receive, I am satisfied, the consideration which the great importance of the subject demands at the hands of the Bombay Government."

The Hon'ble SIR JOHN STRACHEY said:—"I hope I shall not detain the Council for any length of time to-day, but I do not like to remain altogether silent when a subject of such importance is under discussion. The subject, although, no doubt, it now comes before the Council in an extreme and aggravated shape, is one which has occupied the minds of Indian statesmen for a very long time past.

"I myself have repeatedly had to take part in discussions which have virtually been identical with those in which we are now engaged, and my hon'ble friend Mr. Hope did me the honour to quote opinions which I expressed some twenty years ago. Consequently, whatever may be the value of my 'prophetic strain' in judging what the effect of this measure may be, I may at any rate claim the qualification of 'old experience.'

"I may say, in the first place, that I think the Government and the public are greatly indebted to Mr. Hope for the able and interesting account which he gave to us yesterday of the unfortunate condition of these districts of the Dekkhan and for the Bill which the Bombay Government has prepared in communication with him; and I think that we are the more indebted to Mr. Hope for the great care that he has given to this question: and this Bill is the more important because, unfortunately, a great deal that has been said is true, not only of the Dekkhan, but of many other parts of India also. I think my

hon'ble friend Mr. Colvin could tell us very nearly as lamentable a story about the state of Jhānsi as Mr. Hope has told us regarding the Dekkhan; and I am afraid others could tell us equally lamentable stories about some other parts of India. These of course are, nevertheless, extreme and exceptional cases; for, taking India as a whole, it is, beyond a doubt, a happy and a prosperous country. Nevertheless, much that we have been told of the state of the Dekkhan is more or less true of the peasantry in some other provinces, and, therefore, although the problems now before us possess special local urgency, they have also a more general interest, and I think there can be no doubt that the success or failure of the experiment which we are now about to try may have results which will extend far beyond the limits of the Dekkhan.

“My Lord, I do not propose to criticise any of the details of this Bill, and there is a good deal in it which I, for my part, do not feel competent to criticise; for there is much in it which requires local knowledge, without the possession of which no useful opinion can, in my opinion, be given. While the Government of India is entirely responsible for the general principles on which this Bill is based, and while the Executive Government has been unanimous in accepting those principles, which have been most fully and most carefully considered, the Bill is in its details essentially a local Bill; and, in judging of these details, I think that local opinion must to a very great extent guide us. The discussion of yesterday shows, as my hon'ble friend Mr. Thompson has justly observed, that in regard to the details of the Bill there will be a very great diversity of opinion; but I agree with Mr. Thompson in the satisfaction he expressed that nothing that was said yesterday, so far as I can judge, touches really the main principles on which the Bill is based. The matters referred to yesterday are, after all, all, or nearly all, matters of detail, which, until they are fought out and decided in the ordinary way by a majority of this Council, we must be content to differ about.

“No one has denied the necessity for special legislation to meet the great evils which have been described. We desire to give to every man the means of cheap and speedy justice near his own home: and cheap and speedy justice means the simplest possible procedure of the Courts, and we desire that these Courts should be Courts of equity in the broadest sense, doing simple justice between man and man, and creditor and debtor alike. We desire also, further, that every effort should be made to bring about amicable agreements without imposing upon debtors and creditors the necessity of going into Court at all by the establishment in some form or other of Courts of Conciliation.

“Speaking of justice to creditors, I may say that I think that justice has hardly been done to Mr. Hope by some of the remarks which have been made in criticism of his speech of yesterday.

“I do not understand that Mr. Hope made any such general attack upon the creditors as has been attributed to him. I understood him to recognise in the clearest way that the money-lender is an essential element in the agricultural system of the Dekkhan and of India; and he quite admitted that protection and security for the creditors were as necessary as protection for the debtors.

“It would be a great misfortune and mistake if people were to suppose that the Government approved the idea of a crusade against the money-lenders. Money-lenders are obviously as necessary to the Indian agriculturist as the seed which he sows, or as the rain which falls from heaven to water his fields. Agriculture without them would probably be impossible; but, while I believe this of the money-lenders, and have no doubt it is quite true that vast numbers of them—I hope I may say the great majority of them—are honest and honourable men, it seems to me that it is impossible to ignore the vast amount of evidence which exists in proof that there are still very many of them who deserve a different character, and that this section of the money-lending class is so numerous that it has become absolutely necessary to give to the debtor some better protection against it than is now available. In regard to these questions between creditor and debtor, there have always been two great parties; and it is inevitable that the old discussions on this subject should again be entered into in regard to the Bill now before the Council. With reference to this question, I should like, with your Excellency’s permission, to read to the Council a passage from the admirable speech made by Sir Arthur Hobhouse on the 28th March, 1877, on the Code of Civil Procedure. It appears to me entirely applicable to the present case, and I think that it serves excellently to illustrate the principles upon which we are now proposing to legislate. Sir Arthur Hobhouse said:—

“‘I will try to show what seem to me to be the broad differences of opinion between the opposing parties.

“‘I may be wrong, and I hardly suppose that our opponents will accept my view of what is necessary to make their position a sound one; but it seems to me that they cannot support their objections without first making good two propositions. The first of these is that, when a man has made a contract with another man, he is entitled to call upon the supreme forces of society to step in and enforce his contract in every jot and tittle, and that without allowing to society any moderating influence over the contract, unless, perhaps, it can be shown to be grounded in fraud. The second proposition is that a contract by A to pay B a hundred rupees is a contract by A to strip himself of every shred of property that he possesses, in order to make good that hundred rupees.

“‘Now, both these propositions seem to be exaggerations of principles which, if stated with their due qualifications, most people will be ready to accept. Of the first proposition, I should say that is a most sound and important principle that people should be held to the substantial performance of their contracts. But I should add that, if the rigid and extreme performance of contracts is found to produce misery and disorder, then society, which is called in to enforce

these contracts, should exercise some moderating influence over them, and that such a duty is the more imperative in proportion to the helplessness of the debtor class. Of the second proposition, I should say that a contract to pay a sum of money seems to me quite a different thing from a contract that the borrower shall strip himself of all the property that he has for the support of himself and his family in order to pay that money. It may be argued that, in order to enforce a contract to pay money, it is the duty of society to step in and strip the borrower naked. But I do not see how it is even arguable that, if such a process takes place, the creditor does not get something outside the terms of his contract. If he does, terms may be reasonably imposed upon him in return, such as are found necessary for the peace and welfare of society.

“ ‘How far society should step in and insist upon some moderation as the price of its assistance is a question of detail which has to be solved in every age and in every country. But it seems to me that all laws intended for the protection of debtors on terms short of the payment of the whole debt—laws of bankruptcy, laws for the exemption of property from execution—are founded on the view I take of the duties and interests of society.’

“ The principle thus laid down by Sir Arthur Hobhouse is, I think, the basis of our proposed legislation now. Those ‘duties and interests of society’ of which Sir Arthur Hobhouse spoke require most urgently that we should interfere in the districts of the Dekkhan between creditors and debtors. We shall hurt no honest, honourable and reasonable creditors; and, if this legislation and other measures of relief should be successful and happier times should come round, I for my part shall not think it a matter of regret if the dishonest and rapacious money-lender finds no means to recover his ill-gotten gains, and if, after all the claims of justice to all parties have been met, he is left to lament, like Sganarelle,—

“ ‘tout le monde est content; il n’y a que moi seul de malheureux. Mes gages, mes gages, mes gages!’

“ There is only one other point to which I wish to refer. I entirely agree with my hon’ble friends the Lieutenant-Governor and Mr. Thompson with regard to the extreme importance of sparing no administrative efforts to improve the revenue system in such a way that the pressure of the Government demand upon the land may be lightened. This problem has to be solved not only in Bombay but throughout nearly the whole of India.

“ There can be no doubt that the demand of the Government is almost everywhere moderate. Mr. Hope has assured us that in the districts of the Dekkhan in particular there can be no doubt of its moderation.

“ In other parts of India with which I myself am acquainted, I know that the same is true, and that our revenue demand is far lighter than that ever imposed by any Native ruler. Nevertheless, it is equally true that this demand upon the land falls not infrequently in bad seasons with extreme severity. It

is not that the assessment is too heavy, but that the procedure under which it is levied is too rigid. I cannot doubt that means will be found—although they unfortunately have not been found up to the present time—to combine complete and proper security for the recovery of the Government demand upon the land with some greater leniency to the peasant-proprietors, who, from no fault of their own, but from misfortune of season, cannot meet their engagements to the State. Bombay has now for its Governor a great administrator: if he can initiate measures in the direction to which I have now been referring, he will do a greater service to the country than any which this Council can accomplish by this Bill.”

The Hon'ble MR. HOPE said :—“ I am glad to find that the main principles of the Bill, which have, as I was already aware, the approval of the Executive Government, are also, I think I may venture to say, accepted by this Council, and that my task is confined to replying upon what are, by comparison, matters of detail.

“ In the first place, it was suggested by the Hon'ble the Law Member that chapter XX of the Civil Procedure Code, as amended in the Bill presented yesterday, would meet all the wants of our Dekkhan districts in respect of insolvency. But I must altogether demur to accepting it as sufficient or suitable for that purpose. The objections to the law, even when amended by the Bill, which I stated yesterday need not be repeated; but I may add to them that the provision for granting a discharge when an insolvent has paid one-third of the scheduled debts, which has been imported from the Presidency Insolvency Act, seems to me false in principle, and likely to work unreasonably in practice, sometimes giving the creditor less than might be recovered for him, and sometimes pressing harshly on the debtor. It has, moreover, been discarded from bankruptcy legislation in England. I admit that by the Bill in question an advance has been made; but an advance somewhat haphazard, tentative and restricted by the difficulty as to insufficiency of Courts, &c., which, as I said yesterday, has hitherto prevented this Council from going even so far as is now ventured on. Finally, one thing which that amended chapter does *not* do is, singularly enough, the very thing which has been represented in the official correspondence, and is indicated in the Secretary of State's despatch, as urgently required—namely, the allowing a debtor to apply for declaration of insolvency, though no process has issued against him.

“ Another remark of the Hon'ble Law Member was that it would be sufficient, as to jurisdiction of the Courts, if small-cause-court powers were conferred on all of them. But it seems to me that the only course open to us consistent with common sense is that the Courts should have power to deal

with all the sorts of cases in which raiyats are ordinarily involved. That such cases must very frequently comprise mortgages is clear from the fact ascertained by the Commission, as I said yesterday, that in the villages in Puna tested by them two-thirds of the indebted raiyats' land was mortgaged. To provide Courts professing to deal with raiyats' difficulties but unable to touch, perhaps, one-half of the cases in which raiyats are concerned would be a half-measure, from which no good results could be expected.

"The next question raised is that of appeals, for which the Hon'ble Law Member considers the revision provided for by the Bill an inadequate substitute. Here I may point out that the Bill goes farther in caution than even the suggestions of the Secretary of State. His Lordship says, in the quotation which I read yesterday: 'I am inclined to think that summary jurisdiction without appeal might be conferred experimentally on all Civil Judges in the Dekkhan with great benefit.' But the Bill provides the safe-guard of a thorough supervision. It is a misapprehension to suppose, as I understood the Hon'ble Mr. Cockerell to do, that the supervising agency will be a special one. It will be merely a strengthening of the regular staff for the purpose of thoroughly carrying out section 9 of the Bombay Civil Courts Act (XIV of 1869), which runs thus:—

"The District Judge shall have general control over all the Civil Courts and their establishments within the district, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions,' &c.

"The officers appointed will be members of the regular judicial department subordinate to the High Court: they will work the law subject to its general control: the Local Government will have no special jurisdiction over them, and will be unable to make them, as the Hon'ble Member apprehends, a machine for carrying out the policy of the day.

"As to the merits of allowing appeals, compared with a system of revision, I would point out that by the former from three to four per cent. of the cases tried are brought before the Courts, while by the latter the proportion is probably not less than from fifty to sixty per cent. Moreover, the cases which come up in appeal are often not those which deserve to come. Many a man who has a good case cannot afford to appeal: many a man with money needlessly drags his opponent through all the appellate Courts. As an illustration of the persistency of monied litigants, I may mention that I have heard that Sir Barnes Peacock, with reference to the petty appeals, about Rs. 5 sometimes, by which the High Court was troubled, remarked that it would be more economical for Government to pay the amount of the appeals than to keep up Judges and establishments to hear them. Again, the Hon'ble Law Member

has said, as an objection to revision, that the record called for will be inaccurate, incomplete and in the vernacular. As to inaccuracy and incompleteness, the objection, if good at all, applies just as much to appeals as to revision. As to the third point, I feel it my duty to repudiate, on behalf of the Bombay Civil Service, of which I have the honour to be a member, the suggestion that they are unable to deal with cases in the vernacular. Again, the Subordinate Judges will not be inexperienced, as the Hon'ble Member supposes. It is true that twelve new men will be appointed; but they will be added, as stated in the official letter from Bombay, to the list of Subordinate Judges for the whole Presidency: and I cannot doubt that the Executive Government will place men of experience, drawn from other districts, in charge of the newly-opened Courts.

"In favour of the retention of appeals, much stress has been laid on the mortgage-cases, which are said to be intricate, involving difficult questions of account. But this is a misapprehension. Mortgage-cases in which raiyats are concerned are not necessarily intricate, and do not involve more accounts than simple money-cases. This can easily be seen by reference to the actual cases of raiyats, of which a large number are given in full detail in the Appendices to the Commission's Report. If a raiyat owes money, there is an account of it—possibly long and intricate; but it is no more so when he happens to have pledged his land as security for the debt than when he has not. Mortgage-cases are usually only difficult if they happen to involve questions of priorities and the like, or there are several creditors."

The Hon'ble SIR ALEXANDER ARBUTHNOT enquired whether there might not be questions of title?

The Hon'ble MR. HOPE replied:—"Under the Bombay revenue system the name of the owner of every field is entered in the Government books. It would only be in most rare instances that the man whose name appeared was not the real owner; and so questions of title are not likely to give trouble.

"I may mention to the Council," the Hon'ble MR. HOPE continued, "that, as regards this question of appeals, contrasted with revision, I happen to have had a very considerable experience—if not actually in civil cases, still in criminal ones, which for this purpose come to the same thing. I was once for a long time Magistrate and Collector of a district so large that appeals lay to me from the decisions of twenty-nine Subordinate Magistrates; and the cases they tried, which came up to me, and of which it was my duty regularly to examine a large proportion, sometimes reached five hundred in the month. My experience was that all the serious abuses and irregularities came to light in the examination and revision: scarcely anything ever came out in appeal. After all,

however, the would-be appellant is deprived of nothing by the proposed substitution of inspection and revision; for he can draw attention to his case by petition, and practically get it dealt with just as he can now. If, as the Hon'ble Law Member says, appellate Courts are less harsh than the Courts of first instance, there is nothing to prevent the revising Judge from showing leniency too: if appellate Courts often confirm decisions on mere perusal of the record, his inspection may have the same effect.

"The Hon'ble Law Member has next expressed his fears that section 46, about agreements before Conciliators, and also the registration-provisions, may be defeated by collusion and fraud. As to agreements, of which he seems to think their having the force of a decree the objectionable feature, I would point out that the case is analogous to that of awards filed under section 525 of the Civil Procedure Code, which have the force of a decree too. The objections, if there be any, to the one must apply equally to the other. As to both the agreements and the registration, I would repeat my observation of yesterday, that the same objection as to being open to fraud may be made to many other good laws. The Registration Act may, as the Hon'ble Sayyad Ahmad has said, be easily defeated by one party to a deed returning to the other at home the consideration which they have paid and received before the registrar. The Stamp-laws are constantly evaded by the re-use of spoiled stamps, &c., and the Coinage-laws do not prevent the circulation of false money. Yet we do not think it necessary on this account to abolish registration, stamps and our coinage. The Bill will help those who help themselves: if any persons prefer collusive evasion of it, they will suffer accordingly, and rightly so.

"I will now notice the objections of the Hon'ble Law Member and Mr. Cockerell to certain details of the Insolvency chapter. First, as to the power given to the Court to admit as an insolvent a person found to be so, and to give him a discharge, both Hon'ble Members seem to me to be, if I may say so in all courtesy, still under that confusion of ideas between the fact of insolvency and the conduct of the insolvent which I referred to in my speech of yesterday. If a man is really insolvent, it is perfectly futile to call him anything else. If a man cannot pay more than one anna—to take the Hon'ble Law Member's illustration—the Court may *now*, under section 358 of the Code, let him off the whole balance, so that the Bill makes no change of principle whatever. Secondly, it is complained that section 20 is retrospective. But so is the present law; and so will be the new Civil Procedure Bill, which I hope we shall pass at our next sitting. If a man, the day after that Bill is passed, applies and is declared an insolvent, all the old decrees against him may be wiped out when he has paid only one-third of their amount, and after twelve years, whether he has paid even that much or not. Thirdly, as to

imprisonment and the Hon'ble Mr. Cockerell's objections to the reduction, by section 35 of the Bill, of the power of Subordinate Judges under section 359 of the Code to imprison debtors up to one year for fraud, I have as great a hatred of 'proved rascality' as any one else. But I consider the power given by the Code a most arbitrary and oppressive one. So far from the rascality being really 'proved,' the Judge is practically allowed simply to say, at the end of the proceedings—'I think the insolvent's conduct very disreputable: he is no doubt a rascal'; and thereupon, without any specific charge, or hearing him in his defence, or even recording a judgment, to send him off to jail for a twelvemonth. In the Bill this power is, in the case of Subordinate Judges, reduced nearer to what officers of their rank and emoluments would exercise if they were Magistrates. It is essential to note, however, that the Court has always the alternative, under section 359, of sending the insolvent to a Magistrate. Before him, and not in any Civil Court, all serious rascality ought to be dealt with; and I hope it will be.

"To section 30, exception has been taken by the Hon'ble Sayyad Ahmad, Mr. Cockerell and the Law Member. The latter, after expressing his objections, concluded with some warmth by affirming his belief that I was the 'sole author' of the section, and giving as his reason for this belief that he 'did not remember anything about it in the Bombay letter.' If he attributes to me everything which is not mentioned in that letter, I presume that, by parity of reasoning, he acquits me of responsibility for everything he does not like which is, and I feel grateful for the relief accordingly. I must, however, protest against any such attempt to individualise the authorship of any particular parts of the Bill. The Hon'ble Member is well aware that the measure now before us is no private Bill; that it emanated from the Bombay Government; that, after modifications thought suitable, it is presented to this Council by the order, sanction and authority of the Government of India, and that I am officially charged with the duty of doing justice to it, irrespective of my personal convictions. I think the Hon'ble Member would have shown more generosity if he had abstained from the remark he has made, and if he had evinced some sympathy for, and desire to render less onerous, the difficult and delicate task I have to perform, instead of endeavouring to fix on me personally the odium of what he seems to consider one of the most obnoxious features of the Bill.

"Turning from this personal question—on which I entered with reluctance, and only from a sense of what was due to myself and to the Government—to the subject-matter of section 30, I find that making over moveable property at a valuation to a creditor is considered unfair; and the Hon'ble Mr. Cockerell has enforced his objections by an illustration about a pig. Now it so happens that

this provision is a very old and well-established one in English law, in execution of writs of *elegit* which is thus described in a well-known text-book:—

“ ‘The sheriff is bound upon receipt of the *elegit* to empanel a jury, who are to enquire of all the goods and chattels of the debtor and appraise the same, and also to enquire as to his lands and tenements and their value. After inquisition had, the sheriff delivers to the execution-creditor all the goods and chattels of the debtor (except his oxen and beasts of the plough) at the value set upon them by the jury: if they be insufficient, he delivers also execution of the lands, and he then returns the writ,’ &c.

“Between this English law and our Bill, however, there is this essential difference, that, whereas by the latter it is optional with the Court to use the power regarding any particular articles of property, or not at all, by the latter the action of the sheriff is unavoidable and compulsory. Whenever the Hon’ble Law Member returns, as in due time I hope he will, in health and honour to his native land, he will be liable, in the event of his having to resort to legal proceedings to recover money due to him, to have forced on him, at a valuation fixed by a jury, his debtor’s goods and chattels—pig and all!

“With regard to the Hon’ble Sir Alexander Arbuthnot’s remarks, I am glad to thank him for the kindly expressions of appreciation which fell from him, and to add my satisfaction that he found in my speech nothing to comment on more serious than what seemed to him the one-sidedness of my description of the money-lender. But I have every confidence that, when he is able to study my remarks in print at leisure, he will agree that I have done the money-lender full justice. It is no doubt difficult to catch the general scope, or even the exact words, of a long and rapidly-spoken address. Thus, the phrase ‘usurious money-lender’ which he ascribes to me I believe I did not employ. As to extravagant profits, I have nowhere attributed them to money-lenders. On the contrary, the very passage which he has read from paragraph 85 of the Commission’s Report was the germ of my remark, that in the land money-lenders acquired ‘what yields them at best a precarious profit, not exceeding that which reasonable rates of interest, combined with easy recovery, would produce, but wrung forth with trouble, anxiety, expense, popular execration and even personal danger.’ Nor did I say that in India fraud by the creditor was ‘the only thing’ to be guarded against. I said it had ‘almost solely’ to be so. Speaking, as I did, in broad terms and of the Mufassal, what I said seems correct; and it is borne out by a recent remark of the Hon’ble Sir Charles Turner’s, that even in the town of Madras the bulk of insolvents were not traders, but part of the general population. So far from keeping frauds by debtors in the background, however, I enumerated them specially, and explained the provisions of chapters VIII and IX for counteracting them. Finally, nothing could be more complete than the terms in which I have acknowledged the usefulness and necessity of the *saukár*, and the propriety of giving him all fair

help. In this respect the Hon'ble Sir John Strachey has done me no less than justice; and I have, as I said, every confidence that the Hon'ble Sir Alexander Arbuthnot will eventually do the same. These remarks will, perhaps, be a sufficient reply to what the Hon'ble Mr. Rivers Thompson said on the same subject.

"In conclusion, I have only a few words to add on what fell from His Honour the Lieutenant-Governor of the Panjáb. I fully recognize, as he does, the gravity of the subject, and the possibility of this Bill being followed by similar legislation, or demands for it, in respect of other parts of India. But the circumstances of the different provinces of India are so diverse that I hold, and have held in other cases before this Council, that they need separate treatment. This Bill will, therefore, furnish to them, at most, an analogy and not a precedent. It is expressly a local Bill, and has been so deliberately made so, that a power of extension to other parts of the Bombay Presidency, which was in the draft, has been cut out. The subject of the other remedies of executive application has, as the Hon'ble Sir Alexander Arbuthnot has shown, been brought to the notice of the Executive Government. What I would therefore earnestly deprecate is, first, any hampering of the progress of the Bill by consideration of other parts of India; secondly, any delay of it while executive remedies, which are a separate affair, are being matured; and lastly, any serious mutilation of it by the Select Committee or the Council. It should be remembered that the Bill is essentially local in character, and the outcome of careful consideration by those who are best acquainted with local circumstances, and the best judges of popular feeling and the probable result of what they recommend. The Bill has only come to this Council by accident, so to speak, through the local legislature not having power to pass such parts of it as affect the Civil Procedure Code. It should therefore be taken as a whole. Its main principles are already accepted by the Executive Government and I think I may add, by this Council. If it be altered, cut down and emasculated in detail, it will end in *fiasco*, for which there will be no satisfaction to the Local Government in the reflection that it is not responsible."

His Excellency THE PRESIDENT said:—"I do not think it consistent with the importance I personally attach, and which, I may add, the Government collectively attaches, to the subject of the motion now before us that my own vote upon this motion should be an altogether silent one. But the Bill introduced yesterday by the Hon'ble Mr. Hope has already been the subject of such prolonged and exhaustive comment, and also of such copious explanation by the Hon'ble Member himself, that I think I can promise that my own remarks upon it will not be very lengthy. I am the better able to make this promise because, in the observations made at the commencement of the discussion this morning by my hon'ble colleague Mr. Rivers

Thompson, and at the close of the discussion yesterday by my hon'ble colleague Sir Alexander Arbuthnot, those Hon'ble Members largely anticipated what I should otherwise have wished to say myself on behalf of the Government as regards the various points to which they alluded. I think, however, that I gathered from the remarks of my hon'ble colleague Sir Alexander Arbuthnot that some words which had previously fallen from my hon'ble colleague Mr. Stokes had conveyed to his mind (and possibly, therefore, they may have conveyed it to the minds of other Hon'ble Members) an impression that the Member of this Government who is specially concerned in the conduct of its Legislative business had characterised the vote he was about to give as a vote given in more or less reluctant compliance with instructions from the Secretary of State to the support of a measure which he generally deprecated. Now, I am bound to say that this was not the impression conveyed to my own mind by the remarks of my hon'ble colleague on the left (Mr. Stokes). I was listening, as I always do listen, with great attention and interest to his remarks; and the impression they conveyed to my mind was essentially different from that which appeared reflected in the remarks of my hon'ble colleague on the right (Sir Alexander Arbuthnot). Had it been otherwise, I should not have failed to interrupt my hon'ble friend Mr. Stokes in order to afford him that opportunity of which he is now deprived by our rules of clearing his language from a construction entirely inconsistent with his position as a Member of this Government. But, whilst I am persuaded that the remarks of my hon'ble colleague were not quite accurately caught on this side of the table, I am grateful to my hon'ble friend Sir Alexander Arbuthnot for having promptly repudiated on behalf of the Government a position which I feel sure no Member of it would be less willing to accept than my hon'ble friend Mr. Stokes. What I understood that Hon'ble Member to say, and what I believe he really did say (he will correct me if I misrepresent him), was simply this. He said that, whilst approving the purpose, and supporting the essential principles, of this measure, he found in it, as at present drafted, certain provisions which he could not reconcile himself to acquiesce in—*firstly*, because he regarded those provisions as unconstitutional; and *secondly*, because he did not regard them as in any wise essential to the recognized purpose of the Bill. And then, in support of the view thus expressed by him, he went on to point out that those provisions had not been suggested, or even considered, by the Secretary of State, in concert with whom the essential principles of the Bill had been laid down by the Government of India. Well, whatever view be taken of those particular provisions,—and on such a subject the opinion of my hon'ble friend carries a weight of a legal authority which is entitled to the greatest respect—I must venture to say that the statement thus made by him appears to me perfectly consist-

ent with the position and sentiments of the Government of India in reference to this measure, to which we, one and all of us, attach the greatest importance, and which we, one and all of us, are most earnestly desirous to carry into law without any avoidable delay. But it is precisely for this very reason—that is to say, because the measure now before us is a measure in which the Government is earnestly interested; a measure in which our responsibility is largely concerned, and because, moreover, it is necessarily, and properly, of a more or less experimental and tentative character—that it seems to me undesirable, even if it were practically possible, that on the part of its warmest well-wishers there should be at the present stage of it complete unanimity of opinion upon every one of its seventy-seven clauses. For my own part, I am persuaded that nothing but great advantage can accrue from the fullest consideration of all points in connection with any portion of this Bill upon which differences of opinion have been entertained or expressed; and I sincerely trust they will receive such consideration from the local and legal authorities, as well as from the Select Committee to which the Bill is about to be referred. The Government of India has not committed, in an equal degree, to every single detail of every single clause of this elaborate measure the maintenance of those important principles which we regard as absolutely essential to its efficiency. But on those principles the mind of the Government is unanimous, and we are fully resolved to maintain and enforce them.

“ I should like for a moment to refer to the genesis—if I may so call it—of this measure. As pointed out just now by my hon'ble colleague Sir John Strachey, the distressed condition of the peasantry in many parts of the Dekkhan is a matter which has been long—perhaps too long—under the anxious consideration of the Government of India. It has been the subject of profuse correspondence and protracted inquiry; and from all that correspondence and inquiry we were at length led to one very clear, definite and settled conclusion. That conclusion was that the case we have to deal with here is a special case, absolutely requiring special legislation. In that conclusion we have had the concurrence, support and approval of the Secretary of State; and, having come to that conclusion, and at the same time most fully recognising all the risks inseparable from special legislation of this kind, we deemed that our best security for the preparation of a thoroughly practical measure would be to obtain as speedily as possible the fullest available special knowledge and local experience on the subject of it. Well, it was with this object, and in this belief, that the Hon'ble Mr. Hope, who had given to this question long and special study, was deputed by the Government of India to proceed to Bombay, and there, in concert with the Bombay Government, and in personal conference with the Governor, whom my hon'ble colleague has justly

called a most able and experienced administrator, to frame the measure which, at our request, he yesterday laid before this Council. Of course the measure thus framed naturally contains various clauses which have not been devised by the Government of India, and on which I do not think the Government of India is at present in a position to express any decisive opinion. Our position in regard to all these clauses is a very obvious one. We deem it due to the Local Government, which is so especially and directly interested in the effects of this measure, and due also to its experienced coadjutor in preparing the measure, that no clause devised by them, whatever opinion may at present be entertained in regard to it, shall be altered or withdrawn, disturbed or modified, without the amplest and most searching examination during those preparatory stages through which the Bill has still to pass. But the Bill, as it now stands in its present form, satisfactorily embodies certain great principles on which the opinion of the Government is unanimous—principles which we believe to be essential to the efficiency of the measure. Those principles it is our intention to uphold intact; and on those principles the Government of India is not prepared to entertain any compromise at any stage of the Bill. The principles I refer to have been practically indicated in the course of our discussions, and they may, I think, be briefly enumerated under seven main heads. There is, in the *first* place, that power which was referred to yesterday—the power to go behind the bond; *secondly* the necessity for simplifying the procedure; *thirdly*, the augmentation of the number of tribunals; *fourthly*, village registration, to which we attach great importance; *fifthly*, the establishment of Courts of Conciliation; *sixthly*, the extension of the period of limitation, and *seventhly*, the abolition of imprisonment for debt.

“All these principles are principles on which the Government of India has, after lengthened deliberation, come to a definite and final conclusion; and I certainly think that the Hon’ble Member who introduced this Bill was fully entitled to observe, as he did, that the general suitability of the Bill is amply guaranteed by the lengthened deliberation with which it has been brought on to maturity. For my own part, I am of opinion that this measure has not come before us a day too soon; and I entirely agree with the Hon’ble Mr. Hope in thinking that, for the reasons stated by him, the passage of this measure into law at the earliest possible moment is a matter of supreme importance.

“The Hon’ble Member reminded us that it now rests with this Council to redeem the pledges given four years ago for the redress of grievances which have been thoroughly investigated and amply proved—grievances which are, indeed, too notorious to be disputed. But I think he might have gone even

further, and taken deserved credit to himself for the fact that the measure now before the Council really represents the first serious effort to deal practically and directly with the deplorable state of things urged on the attention of the Legislature no less than twenty years ago by the Local Government. In 1858, Lord Elphinstone, who was then Governor of Bombay, passed in Council a Resolution which is very brief, and which, with the permission of the Council, I should like to read. It is as follows :—

‘His Lordship in Council entertains no doubt of the fact that the labouring classes of the Native community suffer enormous injustice from the want of protection by law from the extortionate practices of money-lenders. He believes that our Civil Courts have become hateful to the masses of our Indian subjects from being made the instruments of the almost incredible rapacity of usurious capitalists. Nothing can be more calculated to give rise to wide-spread discontent and disaffection to the British Government than the practical working of the present law. The attention of the Legislative Council on the subject should be requested, and copy of the Revenue Commissioner’s letter forwarded for their consideration.’

“I think there can be no doubt that the state of things that Resolution describes has since then gone on growing from bad to worse; and, so far as I am aware, up to the present moment there has really been no practical effort made to deal directly with it. The Code of Civil Procedure has been completed; the Usury Law has been revoked; but these measures have not been taken with special reference to the condition of the rural population in the Dekkhan: and I do not think it can be asserted by anybody that the condition of the peasantry of that part of India has been appreciably affected by those measures. For my own part, I must say that I regret that the effort now being made has been so long deferred. I regret the circumstances in which this measure has been introduced. I do so because I cannot but fear that in those circumstances there is much that may not possibly expose the motives of the Government in the eyes of ill-disposed or superficial observers to misconstruction. That part of India for which we are now legislating has again been afflicted with social disturbances. I think it not improbable that many persons will be disposed to attribute the source of those disturbances to the still unremedied condition of the indebted raiyat. As a matter of fact, that supposition would be erroneous. There is no evidence in support of it; and there is much evidence to the contrary which points to a very different cause of these troubles. I have lately received several communications from the Government of Bombay on the recent disturbances and dákaities in the Dekkhan; and this is what His Excellency writes :—

‘There is no sign of agrarian connexion in this case—that is, the land-holding community had nothing to do with it. This disposes of the idea that indebtedness of raiyats is at the bottom of the matter.’

“I have no doubt that Sir Richard Temple, who is in the best position to do so, has arrived at a sound conclusion on that point. But I would ask the Council—is it not obvious that—if in any part of India the actual cultivators of the soil see not only the proceeds of their labour, but actually their personal freedom, passing from them into the hands of a class whom, rightly or wrongly, they regard as the authors of their ruin, and under the operation of laws which, rightly or wrongly, they regard as the engines of it—the bitterness of sentiment, the sense of hopelessness and irremediable wrong, engendered by such a state of things must be a chronic incentive, if not to social disturbances of this kind, at least to personal crime? Allusion has been frequently made in the course of this discussion to the report of the Dekkhan Riots Commission; and that report abounds in evidence that this is actually the case. I select a single instance furnished by the First Assistant Collector of Ahmadnagar. He writes:—

‘Another sad case occurred at Visapur, taluka Tasgaon. One Appa Rowji owed money on a bond to Hirachund Guzur. Hirachund threatened to sell him up, but promised not to do so if Appa Rowji would get one Appa Malli to go bail for him. Appa Malli was accordingly induced to befriend Appa Rowji, and passed a bond for Rs. 200 to the Guzur, giving as security for payment his house and land. The agreement was that Appa Rowji should at the same time give to Appa Malli a bond of Rs. 400, with his land as security. Other money was owing by Appa Rowji to Appa Malli, which made the whole amount up to Rs. 400. This bond, however, was never forthcoming. Time after time Appa Malli was put off. Meanwhile, the Guzur lost no time in enforcing the bond for Rs. 200 which Appa Malli had so weakly executed. His house and lands were seized after all due proceedings in the Civil Court; and, to add insult to injury, the latter were given to Appa Rowji to cultivate. Accordingly, Appa Malli, despairing of obtaining redress by the ordinary course of law against his more crafty opponent, waylaid Hirachund Guzur and murdered him in open daylight, and in the presence of several witnesses. He confessed everything, and courted the fullest inquiry into his money transactions. Appa Malli has been hanged as a matter of course. Such executions, however, would appear to have little effect in deterring others placed in similar circumstances from committing similar crimes. Nor, on the other hand, do the Guzurs appear to grow a whit less grasping through fear of meeting a violent death at the hands of maddened debtors. The motive in all these cases is the same; and in all these appears an utter recklessness which is deplorable in the extreme. Careless and untutored, the ryots learn by bitter experience that they have little chance of obtaining redress in the Civil Courts against the more cunning sowcars. Brooding over their wrongs, real or fancied, makes them desperate; and in an evil hour, without fear for the present or hope for the future, they turn upon their oppressors. It is certainly the case that in our Courts, as at present constituted, the poor and ignorant have no chance against the wealthy and clever.’

“I do not wish to multiply illustrations of this kind, which might be very easily done; nor do I desire to dwell on this particular one. Nothing could be further from my own wishes, or more contrary to my own views, than to lend countenance to a popular cry, which in so far as it is general I believe to

be unjust, against that much-abused, but most important and useful, class of middle-men on whose co-operation the agricultural industry of this country is entirely dependent. I should be very sorry if anything said in the course of this discussion appeared to give on the part of the Government countenance to such a cry. I do not, of course, suppose for a moment that the *saukár* and the *baniyá* are, as a class, invariably animated by the highest moral sentiments; but I do not believe that, in the exercise of their calling, they show a greater indifference to honesty than any other class exposed to similar temptations and difficulties. My hon'ble colleague truly pointed out yesterday that there is ample evidence in the report of this commission that the source of their profits are extremely precarious as well as unpopular. Nor is there any evidence that those profits, as a rule, are unfair. The creditor is, no less than the debtor, entitled to the protection of the law in the maintenance of his honest interests; and any legislation unduly directed against the small capitalist to the unfair advantage of the debtor might very possibly paralyse the whole agricultural industry of this country by shaking to its foundation the system of credit upon which its operations are conducted. But, in saying this, I think it obvious that what is good for the honest debtor is also good for the honest creditor. It cannot be to the interests of the *saukár* that the *raiya*t, who is his partner in the operations of agricultural industry, should be systematically pauperised and embittered against him. It cannot be for the interest of the community itself that the relations between these two classes should be such as to provoke feelings of animosity, often breaking out into crime, upon either one side or the other; and I think it cannot be doubted that, in that part of the Dekkhan for which we are now legislating, the relations between the *saukár* and the *raiya*t have been brought by a variety of causes into a condition which no legislator could have ever contemplated, and which must withdraw popular confidence and esteem from any law which artificially tends to perpetuate it. The Hon'ble Member who introduced this Bill referred to Mr. Pedder; and I think no one will dispute that of this state of things there is no more competent observer than Mr. Pedder. Mr. Pedder sketched, not long ago, in the pages of a London periodical a very graphic picture of this state of things drawn from the life; and, so far as I am aware, I do not think the truth of that picture has ever been challenged. But I can say that, in the truth of such a picture, I find the amplest justification for the special and exceptional legislation embodied in this Bill. This is how Mr. Pedder describes the career of a Dekkhan *raiya*t who has once fallen into debt:—

‘The indebted peasant executes a bond, bearing high interest and burdened with onerous conditions. For a couple of years he is not pressed; but when the period of limitation is drawing near, he is told that his payments cover only what he has had in necessities, and that

the sum borrowed, with interest, is still due. He pays something and executes a fresh bond on still more onerous terms for the balance, with premium for renewal. Then he pays all he can; yet, at the end of the next period of limitation, finds that the debt has increased. Perhaps the process of execution of fresh bonds is repeated again and again; but at last the saukár deems it desirable to bring a suit. In nine cases out of ten it is decided *ex parte*, because the people say it is useless to appear in Court unless they can deny execution of the bond sued for, or without the aid of a pleader, whom they have not the means to pay. The creditor then partially executes the decree by sale of the cattle, household utensils and other personal property of the debtor, and holds over him the threat of imprisonment in satisfaction of the balance. Even female honour is sometimes the price of forbearance. * * * * * Thenceforward, lending the peasant on exorbitant terms the seed and cattle absolutely necessary for cultivation, he takes all the produce of the land, except the barest subsistence of the nominal owner and his family. * * * * * But sometimes the creditor sells the land of the debtor in execution, and usually buys it in at a price very far below its value, leaving the balance of the decree unsatisfied, since no peasant dares to bid against a powerful saukár, and it would be thought unbusiness-like in another saukár to do so. Then the best that can happen to the unfortunate yeoman is to remain as a tenant-at-will at an exorbitant rack-rent on the land he once owned. * * * * * If the creditor does not allow this, the peasant flies the country, and tries to begin life again in some distant locality. * * * * * Even there, unless he takes refuge in foreign territory, the arm of the law reaches the judgment-debtor as soon as he has got together a little property. * * * * * As soon as the colonists, who are assisted with advances by Government, have acquired any property, it is seized in execution of decrees for old debts. * * * * * There is, however, a depth lower than penury or exile. Sometimes the wretched debtor executes an agreement which almost avowedly makes him the bond-slave of his creditor.'

"Well, then, that is the state of things for the remedy of which this Bill has been introduced. My hon'ble friend the Lieutenant-Governor pointed out to us yesterday what I am afraid is only too true, that this state of things exists, not indeed in the same degree of intensity, yet more or less potentially as it were, throughout the greater part of India, where a comparatively slight aggravation of existing circumstances might not impossibly produce results scarcely less distressing than those which it is our present object to mitigate in some parts of the Dekkhan. In view of this fact, His Honour observed that the condition of the Indian peasant could only be partially improved by the measure we are now taking for his protection from the exorbitance of claims upon the part of the money-lender, unless we simultaneously relieve him from the unvarying pressure of claims on the part of the State itself, by relaxing the rigidity of our land-revenue system. Well, I do not feel in a position to enter into that question, which is a very large and very important one. I may say at once that the Government is certainly not indifferent to any of the considerations which suggested the remarks of my hon'ble friend. It was mentioned yesterday by my hon'ble colleague, Sir Alexander Arbuthnot, that this question has been urged by us on the attention of the Government of Bombay in special

reference to those districts of the Dekkhan for which we are now legislating, and that it has engaged our own attention in reference to other parts of India. I may add that this question, in all its aspects and bearings, was some time ago commended by the Government of India to the special attention of the Famine Commission, from whose report I anticipate much practical aid in the further consideration of it. The indifference of the Government to this aspect of the question must not, therefore, be assumed from the absence of all allusion to it in the terms of the present measure. I am personally disposed to believe that the rigidity of our present land system might, in various directions, be relaxed with great benefit to the cultivator, unaccompanied by any serious inconvenience to the State. But, were I now to indicate my own views on this important question, I feel that any expression of them would be necessarily crude and premature, inviting discussion on a subject which is not at present under the consideration of this Council. All that I am concerned to point out is that alterations in the *modus operandi* of our land-revenue system, whether as regards the collection or assessment of revenue, can be effected without legislation; and that, therefore, the provisions of the Bill now before us are properly confined to those remedial measures which absolutely require not only legislation, but legislation of a special and somewhat novel character. The Bill in this respect embodies certain definite conclusions at which the Government has arrived, and represents our settled determination to carry those conclusions into effect. It is essentially a local Bill and a Bill of a tentative character. If the measure works well, it may be cautiously extended. If it works badly, it can be promptly modified; and, as regards those minor features of it on which differences of opinion still exist and will doubtless continue to exist, I do not think they can be satisfactorily removed or reconciled by any other authority less conclusive than that of experience. It is for this reason that I sincerely hope the measure now before us may be passed into law before the close of the present year."

The Motion was put and agreed to.

The Hon'ble MR. HOPE moved that the Bill be published in the *Bombay Government Gazette*, in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 24th July, 1879.

SIMLA;
The 18th July, 1879.

}

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