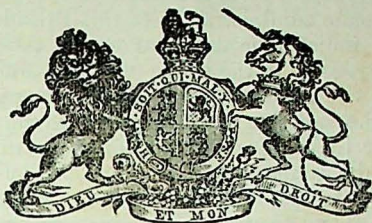


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 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following extract from the proceedings of the Governor of Bombay, in the Legislative Department, is published for general information:—

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACT, 1861."

The Council met at Poona on Friday, the 26th September 1873, at noon.

PRESENT:

His Excellency the Honourable SIR PHILIP EDMOND WODEHOUSE, K.C.B., Governor of Bombay, *Presiding*.

His Excellency the Honourable SIR AUGUSTUS ALMERIC SPENCER, K.C.B.

The Honourable A. ROGERS.

The Honourable J. GIBBS.

The Honourable the ADVOCATE-GENERAL.

The Honourable MUNGULDASS NUTHOOBHOY, C.S.I.

The Honourable COLONEL M. K. KENNEDY.

The Honourable SIR JAMSETJEE JEJEEBHOY, Bart., C.S.I.

The Honourable NARAYAN VASUDEVJEE.

The Honourable J. K. BYTHELL.

The Honourable GUNPUTRAO TATYA SAHIB PUTWURDHUN.

The Honourable Colonel W. C. ANDERSON.

The Hereditary Offices Bill considered in detail.

The Council proceeded with the consideration of the Hereditary Offices Bill in detail.

The Honourable Mr. NARAYAN VASUDEVJEE said—I beg leave to propose that the proviso from lines 22 to 25 of Section 3 of the Bill which renders the assent of Government necessary to adoption by the Wattundars, be expunged. The Hindoo law does not recognise any

distinction between a lineal descendant and a descendant by adoption, and this proviso would only tend to create a sense of insecurity in the minds of the Wuttundars, whose co-operation in the Police and Revenue administration of this Presidency the framers of this Bill desire to secure. It would inflict a hardship upon the people, because for every rupee that the Government would receive in the shape of a nuzzerana in according their assent to adoption, the Wuttundars will have to spend twenty. Suppose the case of a Koolkarni or Mhar wishing to obtain the sanction of Government to the adoption of a son. He will have to employ a Mookhtiar to prepare his petition, then to get it stamped, and it will afterwards be necessary for him to fee some of the karkoons and sheristadars, so that under the dustoorie system alluded to by the Honourable the Advocate-General yesterday, the poor Wuttundar will have to spend twenty rupees for every rupee which the Government can get him to contribute. The loss of Rs. 20 to a man of this class implies a state of permanent bondage to the village Marwarie. I had heard of a case in the Sawantwari district where a Koonbie borrowed Rs. 12. Within four years he paid the creditor Rs. 38 in several instalments, and yet the unfortunate man was sued at the end of the period for a balance of Rs. 72. Act XI. of 1843 of the Government of India does not impose any such obligation in regard to adoption upon the Wuttundars, and I trust that His Excellency will under the circumstances consent to the proviso in this Bill being expunged.

The Honourable Mr. GIBBS said that there must be some evidence that assent to an adoption has been given. Under the Peishwa's Government this was most strictly enforced.

The Honourable Mr. ROGERS—I must oppose the motion, inasmuch as it has been the custom since the rule of Native Governments here that in all cases where land has been assigned for military service the sanction of the Government should first be obtained. I see no reason why we should make any difference in the present case. As to the expenses which the Honourable Mr. Narayan referred to, I do not think they will be so great as he alleges.

The Honourable Mr. NARAYAN—If the honourable member finds the system of dustoorie so prevalent in a city like Bombay, as has already been pointed out to him by the other honourable members during the discussion on the Steam Boilers' Bill, it is not difficult to understand what it will be in the mofussil where this Bill is to be introduced.

The Honourable Mr. ROGERS—It has been a standing rule, ever since the days of the Peishwa, and it is also true that the Hindoo law requires the consent of the paramount power to any adoption. We simply say here that there is no occasion for confirmation of an adoption being proved excepting in cases where the adoption carries with it alienated wuttun land. I am quite certain that the honourable member on my right (Tatya Sahib) requires the same thing in his raj.

The Honourable Mr. NARAYAN—Under the management of the Honourable Tatya Sahib the honourable member must be aware that such cases would be dealt with very summarily.

The Honourable Mr. GIBBS—Of course natives in their private relations may adopt as they choose, but in adoptions which in any way affect Government they must have Government's sanction. In the case before us, Wuttundar adoptions certainly concern Government. If the honourable member were to ask any old pensioned moonsiffs and dufturdars, they would tell him that the consent of the Sircar is always necessary in the case of alienated land. I think this principle has been already laid down by the Privy Council.

The Honourable Mr. NARAYAN submitted that there was nothing whatever like this proviso in the present Act.

The Honourable Mr. GIBBS said that it was not necessary.

The Honourable Mr. NARAYAN—Then why is it necessary here? I submit that such a restriction as this implies absolute ruin to many men.

The Honourable Colonel ANDERSON—If we do not preserve this section as it is, there will be nothing but endless disputes.

The Honourable Mr. GIBBS—It seems to me that the Honourable Mr. Narayan's argument amounts to this, that Mhars and such like people are very improvident, and therefore the law must be altered in their favour; but that is a policy which cannot for a moment be agreed to. I will venture to say that there has never been a case known from the Peishwa's to the present time where the sanction of Government was not required to be obtained before an adoption in a service wuttun would be held good.

The Honourable Mr. NARAYAN said that he never knew of any case where the assent of Government regarding Mhars and Koolkurnies was considered necessary.

The Honourable Mr. GIBBS—The natives are bound by the Hindoo law, and I would ask the Honourable Mr. Narayan whether according to that the sanction of the paramount power is not necessary to an adoption.

The Honourable Mr. NARAYAN—It is only necessary in the case of Inamdars, and even then I have heard the point contested.

The Honourable Mr. GIBBS—Is it not the case that by Hindoo law the sanction of the paramount power must be necessary to every adoption? but that Government have in fact said that it will not interfere in adoptions by which the interests of the paramount power are not affected, while in all cases of alienated lands Government must distinctly maintain the old law.

His Excellency the PRESIDENT—It seems to me to be a matter of policy more than of Hindoo law, and we ought to decide whether it would be advisable not to allow these people to adopt without first obtaining consent.

The Honourable Mr. MUNGULDASS concurred with the views which had been expressed by the Honourable Mr. Narayan.

The Honourable Colonel KENNEDY asked what was the object of getting the assent of Government to adoptions by these small people?

The Honourable Mr. GIBBS—In the first place, it stops litigation, and if we do not agree to this section it will be found that we shall always be having adoptions set up. Under late decisions of the Courts it has been held that a widow may adopt unless it can be distinctly proved that the husband distinctly said, "You shall not adopt." The result is that false adoptions are being set up all over the country, and this is the most common form of *adhvat* between relatives. We must assist to stop that as much as we can. It is really in mercy to these people themselves that we provide for the assent of Government. My experience of something like a quarter of a century leads me to the conclusion that it is a merciful thing to give them as few opportunities of going to law as possible.

The Honourable Mr. NARAYAN—My own idea is that the people themselves would rather forego the protection which Government are thrusting upon them.

The Honourable the ADVOCATE-GENERAL—Would it please the honourable members if the section were to be so altered that no adoption shall be valid unless reported within one month of its taking place to the Collector?

The Honourable Mr. MUNGULDASS—Inasmuch as that amendment will not give a Collector power to say to a man, "You shall not adopt," I think it is an advantage, and I prefer it to the section as it stands.

The Honourable Mr. ROGERS—I beg to appeal to my honourable friend on my right (Tatya Sahib). He has actual experience of what system prevails in the districts, and I understand him to say that in his raj an adoption would not be valid without his consent.

The Honourable Mr. NARAYAN—Before this discussion commenced, I asked the opinion of the Honourable Tatya Sahib upon this matter, and he distinctly told me that I ought to press my amendment upon the notice of the Council.

The Honourable Mr. GIBBS—Inasmuch as up to the present date not a single adoption has been made in any wuttun without the consent of the Collector, I think that we can easily make the section applicable to the future.

The Honourable Mr. NARAYAN—I am sorry to have to differ from the honourable member. In the Concan I am certain that adoptions have taken place in which the consent of Government never was recorded.

The Honourable Mr. ROGERS—Then they would never be recognised if the case came before the Collector and it was proved that the sanction of Government had not been obtained.

The Honourable Mr. NARAYAN—That would be a great hardship which the Council would inflict by this section.

His Excellency the PRESIDENT—I think it would be better to take the vote upon the Honourable Mr. Narayan's amendment that the proviso be struck out. If that be lost then we may limit the operation of the section to persons of the degree of Patells or Koolkurnies. These native gentlemen, speaking on behalf of the native community, say we are oppressing them, and some alteration of the section will be desirable.

The Honourable Mr. GIBBS—I question whether they do speak on behalf of the natives of the Mofussil. They have not had so much experience of the general administration as several honourable members here, who have spent their lives in the districts.

The Honourable Mr. NARAYAN—I at all events have had some experience in the Concan.

The Honourable Mr. MUNGULDASS—With all due deference to the Honourable Mr. Gibbs, I beg to state that a European might be half a century in the country and yet may not get at the true state of affairs of the natives. There are certain things which natives will not reveal to an European official, for they would rather prefer to suffer inconvenience or even injustice than to say anything which they think would not be relished by him in order that they may not lose his good opinion of them.

The Honourable Mr. GIBBS—I have a much higher opinion of natives than the Honourable Mr. Munguldass has. I know that they will tell other things than what simply pleases the Sahib. They will speak confidently and plainly to any European who goes among them freely, treats them kindly, and does not try to frighten them. I will undertake to get any native to show me, in half an hour, "the inside of his stomach," as the native saying is.

The Honourable Mr. MUNGULDASS—Then the Honourable Mr. Gibbs may be an exception to the rule.

The Council divided on the Honourable Mr. Narayan's amendment:—

Ayes—3.

The Honourable MUNGULDASS NUTHOOBHOY.
The Honourable Sir JAMSETJEE JEJEEBHOY.
The Honourable NARAYAN VASUDEVJEE.

Noes—8.

His Excellency the Honourable Sir AUGUSTUS ALMERIC SPENCER.
The Honourable A. ROGERS.
The Honourable J. GIBBS.
The Honourable the ADVOCATE-GENERAL.
The Honourable COLONEL M. K. KENNEDY.
The Honourable J. K. BYTHELL.
The Honourable GUNPUTRAO TATYA SAHIB.
The Honourable COLONEL W. C. ANDERSON.

The amendment was therefore lost.

The Honourable the ADVOCATE-GENERAL then suggested that the proviso should read as follows:—"Provided that no adoption by any wuttundar of the degree of a Patell or Koolkurnie or of higher degree shall be valid unless the same has received the assent of Government."

The amendment was agreed to.

With reference to Section IV., His Excellency the PRESIDENT enquired whether by this a Wuttundar might sell his wuttun to the exclusion of his son.

The Honourable Mr. GIBBS—There is no occasion to provide for such a case as that. We merely wish to prevent him from selling his wuttun to an outsider. The son would have his rights protected under the ordinary law.

Regarding Section V., the Honourable Mr. GIBBS remarked that this was to prevent a man who was carrying on the duties of the wuttun from alienating any portion of the salary attached to his services.

The Honourable Mr. GIBBS mentioned that the High Court of Bombay had some time ago issued a circular to the Courts, bringing to their notice that the pay of an officiating Wuttundar was not to be alienated. He therefore begged that Section VI. should be amended as follows:—"That for the words "registered under Section 19 of Regulation XVI. of 1827," occurring in lines 2, 3, and 4, the words "recorded as such in the village revenue accounts" should be substituted; that for the words "it shall be lawful for the Col."

lector," occurring in lines 8 and 9, the words "without the consent of the Collector or transfer of ownership in the revenue accounts, the Collector may" should be substituted; and that "to," in line 10, should be struck out.

His Excellency the PRESIDENT remarked that according to this section a man may be ousted from possession, no matter how long he has been in it.

The Honourable Mr. GIBBS said that that was what was intended.

The Honourable Mr. MUNGULDASS thought that it would not be good policy to resume after possession had been held for twenty years.

The Honourable Mr. GIBBS—By the words "the Collector may," the section is made permissive. I do not think that Government would resume land if a man had been long in possession. As the section stood formerly the Collector would have had to resume without having any option in the matter.

The Honourable Mr. NARAYAN was of opinion that the particular period for resumption should be mentioned.

The amendments were agreed to.

The Honourable Mr. GIBBS proposed similar alterations in Section VIII. as those which were made in Section 6. In lines 2, 3, and 4, the words "registered under Section 19 of Regulation XVI. of 1827" were struck out, and the words "recorded as such in the village revenue accounts or registered" substituted; and the words "it shall be lawful for the Collector," in lines 6 and 7 were struck out, and the words "the Collector may" substituted. The word "to" in lines 8 and 9 was also struck out.

These amendments were agreed to.

Regarding Section IX. the Honourable the ADVOCATE-GENERAL said:—After a temporary possession has ceased I do not see what necessity there is to assess the land at a rack-rent or do anything at all. The temporary possessor has no right to the land, and when temporary possession has ceased then the land reverts to the Wuttundar, who is brought under the general provisions of the Act.

The Honourable Mr. GIBBS thought the whole section might be struck out, for if it meant anything it simply meant the ordinary course of law.

The Honourable Mr. ROGERS—But supposing the land reverts to a man who is not an officiator?

The Honourable the ADVOCATE-GENERAL—Then the land will be dealt with under the ordinary provisions of the Act. I think it would be very desirable to have no *ex post facto* legislation of the description which seems to be contemplated here. When a man has got the decree of a Court in his favour it would be a very curious procedure for Government to say—"You have got your decree, but it shall not be worth the paper it is written upon." My belief is that it is intended by this section to reduce decrees of Courts of law to a nullity, and I should vote most distinctly against any provision of this sort.

The Honourable Mr. GIBBS—I think this is what is intended by this section. We understand that one of the principles of the wuttun system is that a portion of the wuttun must be set aside for the officiator. If the Government considers that that portion is insufficient, it has power to take a little from all the other sharers in the wuttun and hand the proceeds to the officiator. In the case of an assignment being made without the consent of the Collector, whoever holds the portion assigned does so upon the same terms as the other sharers in the assignment. Supposing a Court by a decree made over a wuttun or a certain portion of it to a person, this section is meant practically to say on behalf of Government—"Although you have got a decree in your favour from a court of law, you are just in the same position as any other wuttun-holder, and we shall take a share from you for the support of the officiator if necessary."

The Honourable the ADVOCATE-GENERAL—But the Court's decrees would be rendered of no value.

The Honourable Mr. GIBBS said that he did not think so.

The Honourable the ADVOCATE-GENERAL—If the honourable member means to say that a wuttun holder shall still be liable for the responsibilities attaching to his wuttun, then no legislation is required to declare that. When a man takes any land he also takes the mortgages upon it if any.

The Honourable Mr. GIBBS—The meaning of the section is certainly doubtful.

After some further discussion the consideration of the section was postponed.

The Honourable the ADVOCATE-GENERAL suggested that if an amended section were brought up, it would be advisable to have a clearer definition of "rack-rent."

The Honourable Mr. GIBBS mentioned that Section X. was in accordance with a circular issued by the High Court.

The Honourable Mr. ROGERS remarked that unless this section was here kept in the Bill, the Collector might go into Court and make an application through a pleader for the attachment to be removed, but the Court might tell him, "we do not recognise you; you must file a regular suit."

The Honourable Mr. MUNGULPASS wished, however, that the Court should only have power to remove an attachment made within a certain term of years.

The Honourable Mr. GIBBS thought that that was not necessary, as the law of limitations applied to everything the Court might do.

With reference to Section XI., His Excellency the PRESIDENT said:—It has been suggested that words should be added to this section to the effect that where separate *tuk-sheems* have been treated as separate wuttuns they may be combined.

The Honourable Mr. ROGERS—I object to that, because there is no good reason for the alteration.

The Honourable Colonel ANDERSON mentioned that there was likely to be confusion from the use of the word *tuksheems*. In the Southern Mahratta Country it was used in a sense distinct from the way it was used in other parts of the Deccan.

After some discussion the words "held for the performance of similar services" were inserted after "offices" in line 3; the words "united for administrative purposes" after "villages" in line 4; and as Clause 2 these words were added to the section:—"Any such combination made before the date of this Act coming into force shall have the same force as if made under this Act."

Regarding Section XII., the Honourable Mr. ROGERS said:—Upon the adoption of this section depends the question whether district officers will be included in the operations of this Act. There has been no such thing as the commutation of the wuttun of a village officer, and as to district officers we wish, under our new system of administration, to dispense with their services altogether.

The Honourable the ADVOCATE-GENERAL suggested that the words "in consideration of," in line 5, should be struck out together with lines 6 and 7, and the word "profits" in the eight line. This would give the Collector a wider sphere of operations as to conditions. The word "upon" was inserted after the word "service" in line 5.

These amendments were agreed to.

His Excellency the PRESIDENT observed that if it was the opinion of the Council that Section XIII. must apply to district officers, the vote of the Council upon the question had better be taken.

The Honourable Mr. ROGERS—I have already stated my arguments against the policy of including hereditary officers in the operations of this Bill. I may mention that this morning I had some conversation with an experienced Revenue officer, during which I asked him what would be the effect of so including these officers, and he said that the only effect would be that it would make doubtful the settlements which had been already entered into. It would make the hereditary district officers think that Government had some sinister object in view, and, despite arrangements already made, would still demand services from them. I would now revert to Section XII. and move its deletion.

The Honourable Colonel ANDERSON suggested that before the votes were taken, the Council should obtain from the Revenue Department the agreements which had been

entered into with district hereditary officers. He thought that the report which had been made by Mr. Gordon, the Special Settlement Officer in Dharwar, showed that there was a stipulation that although they were excluded from actual service still they had a right to sign jumabundee returns.

The Honourable Mr. MUNGULDASS was not in favour of the Bill applying to hereditary district officers, because if they were excluded they would not be tied up to accepting such conditions as the Collector might choose to make under Section XII.

The Honourable Mr. GIBBS—This is an exhibition of the usual want of confidence in Government which prevails in my honourable friend's mind. We have already made arrangements with ten Collectorates out of twelve, by mutual agreements between the parties.

The Honourable the ADVOCATE-GENERAL—I find that the Revenue Commissioners and five of the most experienced Collectors say that making the Bill apply to district as well as village hereditary officers is desirable, and I feel bound to follow their opinion.

The Honourable Mr. NARAYAN—I submit that the proviso which is added to the section defining the meaning of the word "wuttandar" would act prejudicially to the interest of these hereditary officers. But for that proviso I should have been inclined to vote against the Honourable Mr. Rogers' motion.

The Honourable Mr. GIBBS was of opinion that this proviso was harmless, because the Collector must decide according to the Hindoo law.

His Excellency the PRESIDENT—As a matter of fact, in all the settlements which have been carried out, there is not a single instance of a man being objected to for the want of some formality about his adoption. Government proposes to deal with the outstanding districts in precisely the same sort of way, and why should it be supposed that we are now going to create all sorts of difficulties about the formulas of adoption?

The Honourable Mr. NARAYAN remarked that by this Bill the Settlement officers^s would be armed with powers which they never before possessed.

His Excellency the PRESIDENT said that the honourable member must be perfectly aware that any actions of a Collector would, if objected to, come before Government.

The Honourable Mr. ROGERS—Before the vote is taken, I would ask whether the settlements which have been already made will not be protected by the Pensions Act.

The Honourable the ADVOCATE-GENERAL could not answer the question, not having seen the settlements.

The Council divided on the Honourable Mr. ROGERS' motion, that Section XII. be omitted from the Bill:—

Ayes—5.

The Honourable A. ROGERS.
The Honourable MUNGULDASS NUTHOOBHOY.
The Honourable Sir JAMSETJEE JEJEEBHOY.
The Honourable NARAYAN VUSUDEVIJEE.
The Honourable GUNPUTRAO TATYA SAHIB
PUTWURDIUN.

Noes—6.

His Excellency the Honourable Sir AUGUSTUS ALMERIC SPENCER.
The Honourable J. GIBBS.
The Honourable the ADVOCATE-GENERAL.
The Honourable Colonel M. K. KENNEDY.
The Honourable J. K. BYTHELL.
The Honourable Colonel W. C. ANDERSON.

The motion was therefore lost.

The Honourable Mr. ROGERS could only hope that serious complications would not arise in consequence of this vote.

In Clause 3 of Section XIII. as printed, the first two lines were altered to read thus—"Every settlement made or confirmed under this section shall be binding," &c. In line 15 of the section "records" was substituted for "books."

Section XIV. was amended as follows:—

In line 7 the word "it shall be lawful for" were struck out; in line 8 "may" was inserted after "Collector," and "to," occurring before "assess," was struck out; lines 10 and 11 and the word "upon," in line 9, were struck out, and these words substituted—"Provided that in assessing such payments, no larger amount shall be paid than would be payable under the scale in force for the time being in the case of Government villages."

Regarding Section XV., the Honourable Mr. ROGERS said:—This section is of considerable importance, having been framed with the object of settling disputes which are constantly arising with regard to the emoluments of Mhars, whose case forms the subject of the illustration in Section III. As the section stood at first, it was one-sided, giving the Collector power with the assistance of the Panchayet to settle what those people were to be paid for their services, while at the same time it did not lay down what these services were to be.

The Honourable Mr. MUNGULDASS considered that the section should be confined to the Mhars only.

The Honourable Mr. NARAYAN—It would be better to specify the time within which a Collector may nominate members to a Panchayet than to leave it open, as in this section, by the vague expression “a reasonable time.” It would also be better to state within what time the Collector shall interfere on the failure of the Panchayet to come to a decision.

The Honourable the ADVOCATE-GENERAL—I do not see any clause here by which the powers of Collectors may be delegated to some of his assistants.

The Council held that under existing Regulations the Collector could delegate to his assistants such powers as were necessary.

The Honourable Colonel ANDERSON—With reference to the remarks of the Honorable Mr. Narayan, I think that twenty-four hours should be sufficient time to allow the Panchayet to come to a decision, because the longer time is given to a Panchayet to make up its mind the longer time it will take.

The Honourable Mr. NARAYAN—Twenty-four hours would be clearly insufficient, because this Panchayet will very often have to take evidence.

After some discussion, “seven days” was substituted for the words “a reasonable time to be specified by the Collector,” in lines 17, 18 and 19; on the suggestion of His Excellency the President the words “three days from the appointment of the Sir Punch” were substituted for the words “a reasonable time to be fixed by the Collector,” occurring in lines 23 and 24; and in lines 28 and 29 “named in it” was struck out, and the words “whose duties or liabilities have been submitted to such decision” substituted.

His Excellency the PRESIDENT observed that Mr. Erskine was of opinion that Section XVI. would give rise to a great deal of trouble, as settlements which had been made hitherto had been made upon an average of the past five years.

The Honourable Mr. NARAYAN remarked that ten years was a fair average and should not be reduced.

The Honourable Mr. ROGERS—In some cases settlements have been made upon a five years' average, but ten years has been the more general period.

A number of amendments were suggested until the section read thus—“Whenever, on failure of the Panchayet to come to a decision, the Collector, acting under the preceding section, passes a decision, and it appears that the profits of the wuttun or part thereof are of fluctuating amount, or are payable in kind, it shall be lawful for the Collector to fix the amount payable either in kind or money on an average of the past ten years immediately preceding the date of this Act coming into force.”

The Council, however, could not agree to the section as amended, and it was agreed to postpone consideration of it.

In line 1 of Section XVII. “such” was struck out, and the words “of the nature” substituted for “as is.”

Referring to Section XVIII., the Honourable the ADVOCATE-GENERAL considered that settlements should be made for one period once and for all. He thought the latter part of Section XVII. might advantageously be omitted.

It was agreed to insert after “settlements,” in line 1, the words “of the nature mentioned in Sections XIV., XV. and XVI. of this Act”; to insert “such” before “periods”

in line 3, and insert after the same word, "as the Governor in Council may from time to time direct." The remainder of the section was struck out provisionally.

Section XIX. was also struck out provisionally.

Regarding Section XX., the Honourable the ADVOCATE-GENERAL wished to know upon what grounds Government might resume a wuttun.

The Honourable Colonel ANDERSON said a failure in payment might be one reason. The concessions which were now being made by Government to wuttundars were very much greater than those which were granted in the Peishwa's time. An old book, dated 1665, which he came across a short time ago, gave a description of North Canara, and according to it, if a Coolkurnie did not fulfil what was expected of him he was thrown into jail, while if he had any property it was confiscated. After a time the man was burned with a hot iron and then allowed to resume his status.

The Honourable Mr. NARAYAN—That is no criterion to advance. We are now under British rule, and it would be absurd to use that as an argument for Government confiscating or resuming wuttuns, because formerly when a Rajah wanted five or ten lakhs of rupees he simply sent his sowars into a village or town and demanded the money.

The Honourable Mr. MUNGULDASS—Or the proceedings of certain Marwaree merchants in the up-country might as well be adopted. They send out their agent to Bombay to manage for a few years the affairs of their firms. When they recall him they believe that he has made a good deal of money on his own account. Accordingly when he returns they, in order to make him disgorge his gain, lock him up and ill-treat him. After he has been thus deprived of the money they restore him to his appointment.

The Honourable the ADVOCATE-GENERAL—I propose that we should, at all events, insert the word "lawfully" before "resumed." I do not think that because the Peishwa or any other Native potentate resumed wuttuns irregularly or arbitrarily therefore the British Government should do so.

The Honourable Mr. GIBBS—I have no objection to inserting that word, although this is but another example of how Government is distrusted.

The Honourable the ADVOCATE-GENERAL—The Government must act by agents, and these being not infallible are as liable to err as other men are.

The Honourable Mr. GIBBS—But if such an error were brought to the notice of Government, the matter would be rectified just as though this word "lawfully" were not inserted.

His Excellency the PRESIDENT thought there could be no objection to inserting "lawfully."

In lines 1 and 2 the words "from long abeyance" were struck out, and in line 3 "lawfully" was inserted before "resumed."

The section as amended was then agreed to.

Regarding Section XXII., the Honourable Mr. ROGERS said that it was a section which he could not understand.

The Honourable Mr. GIBBS—I suppose it is intended to prevent an officiator from mortgaging his future salary.

After some discussion it was decided to allow the section to stand over, as at present it seemed to be unintelligible.

A discussion arose as to the meaning of the words "a principal sharer of a wuttun," occurring in Section XXIII.

The Honourable Colonel ANDERSON said he supposed that if one man held 6 annas to the rupee in a wuttun, and other two men held 5 annas each, the man with the 6 annas would be principal "sharer."

The Honourable Mr. ROGERS suggested that the Council had better have "representative wuttundar" defined in the Bill. He would remind the Council that a "representative wuttundar" need not necessarily mean the man who does the duties of the wuttun.

His Excellency the PRESIDENT then adjourned the Council.

By order of His Excellency the Governor in Council,

JOHN NUGENT,

Acting Under Secretary to Government.

Poona, 26th September 1873.