

THE



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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 Saturday, the 27th September 1873, at noon.

P R E S E N T.

His Excellency the Honourable SIR PHILLIP 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 NUTHOOBHAY, C.S.I.

The Honourable COLONEL M. K. KENNEDY.

The Honourable SIR JAMSETJEE JEJEEBHAY, 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. GIBBS recurred to Section IX., and said that the Honourable the Advocate-General had prepared a section to substitute for it. He might mention that in the original Bill there was a definition of the term "rack-rent." That Bill said, "The phrase 'full value' as applied to wuttun land shall mean the rack-rent, or full rent ordinarily paid by sub-tenants for land of similar quality in the same locality."

His Excellency the PRESIDENT enquired if it was not the fact that in the case of sub-tenancy, the real proprietor pays the Government tax?

The Honourable Mr. GIBBS having answered in the affirmative,

His Excellency the PRESIDENT remarked that in that case what the proprietor gets from the sub-tenant is over and above the Government tax.

The Honourable Mr. GIBBS—That is what is intended here.

His Excellency the PRESIDENT—Then if a Collector were proceeding to rack-rent he would make the land liable to the Government tax and whatever the proprietor could get out of the land. This is practically a double rent or two assessments.

The Honourable Mr. GIBBS—Suppose the honourable member had a lease-hold estate at home for which he paid one man £100, and the honourable member then sub-let it for £150, giving him a profit of £50. All that Government proposes to do here is to levy the sub-let price, and that is what is meant by "rack-rent."

The Honourable Mr. NARAYAN—But under this section the Collector might levy the mesne profits as well as the land tax.

The Honourable Mr. GIBBS—That cannot be reconciled with the terms of the 8th section.

The Honourable the ADVOCATE-GENERAL read the following section, which he proposed should be adopted in place of Section IX. :—"When by decree of any Court made before the date of this Act coming into force any land, being wuttun, has been given into the ownership or beneficiary possession of any person other than the officiator for the time being, it shall be lawful for the Collector, notwithstanding such decree, to assess the said land at the same rate as the other parts of the wuttun."

The Honourable Mr. GIBBS—This is merely to provide for the pay of the officiator.

The Honourable the ADVOCATE-GENERAL having enquired whether the pay of the officiator was levied according to any fixed principle,

The Honourable Mr. GIBBS replied that there was already a scale existing according to which officiators were paid.

The Honourable Colonel ANDERSON—Suppose that certain wuttun land having a survey assessment of Rs. 20 was liable to a payment of Rs. 10 joodee or quit-rent; then Rs. 10 forms the profit or wuttun emoluments of this portion of the wuttun lands. If this land had been sold to a person outside the wuttun he would have continued to pay the Rs. 10 joodee. It becomes desirable to increase the sum payable to the officiator, and had this land remained on the wuttun it would have been liable to a further payment of Rs. 5 a year on this account, or Rs. 15 in all. It will suffice if, notwithstanding the transfer, this land is still held liable to a similar rateable payment with the rest of the wuttun.

His Excellency the PRESIDENT—Would this section meet the case?—"When by decree of any Court made before the date of this Act coming into force any land, being wuttun, has been given into the ownership or beneficiary possession of any person other than the officiator for the time being, such land shall be liable to contribution for the remuneration of the officiator in like manner and to the like extent, as if no such decree had been passed."

The Honourable Colonel ANDERSON—I think that section would meet the case perfectly.

His Excellency the President's amendment was agreed to.

The Honourable Mr. GIBBS said that Section XXII., which had been left out provisionally, might go out altogether. It was intended to prevent an officiator from mortgaging his pay, but that was already provided for by Section VI.

The section was accordingly struck out.

The Council then reverted to the consideration of Section XXIII.

The Honourable Mr. ROGERS—I have to suggest an alteration upon the words "representative wuttundars." The register which is to be prepared under Part IX. will not only include representative wuttundars, but also all those wuttundars who hold a share in a wuttun up to the eighth of a rupee. In this section, however, it is wuttundars who are

entitled to officiate that we wish to register, and I would suggest that "for the performance of the duties of wuttuns" should be inserted after "representative wuttundars." There are two distinct kinds of wuttundars, those entitled to officiate and those who are representative, and from among the latter the officiator in the wuttun may be chosen.

The Honourable Mr. NARAYAN—It appears to me that under this Bill the Collector may appoint a perfect stranger to officiate.

His Excellency the PRESIDENT—But he would be merely a deputy, who would have no hereditary rights.

Consideration of the proposed change was after some further discussion postponed.

Referring to Section XXV., His Excellency the PRESIDENT said—I cannot understand how sub-sharers in a wuttun can ever be in the position of being representative Wuttundars, because the honourable member says in a subsequent section that when after investigation it appears to the Collector that the interest of any family or any distinct branch of it is or has become less than one-eighth of the wuttun, he shall then call upon all the Wuttundars belonging to the family or branch to nominate one of their number as representative.

The Honourable Mr. ROGERS said that that person would not be called on to serve.

His Excellency the PRESIDENT—But the first stage of the transaction is to get representatives, and the next to choose from among them the officiator. In the event of none of them being competent then a deputy may be elected.

The Honourable Mr. ROGERS—If there are more than eight sub-sharers in a wuttun they may appoint Bapoo as their representative, although Luxumon has the right to serve.

The Honourable Mr. GIBBS—But he must be a representative wuttundar or he cannot be an officiator, surely.

The Honourable Mr. ROGERS—Government cannot deprive particular men of their right to serve. A man may have no share and yet have a right to serve. A representative wuttundar must, however, represent at least an eighth of a share in a wuttun. That is according to Section XXX.

The Honourable Mr. GIBBS—Do I understand the honourable member to say that there are wuttuns in which a person has a right to officiate although not a representative wuttundar?

The Honourable Mr. ROGERS—There are cases in Dharwar in which principal sharers have thrown up their lands altogether and still retain the right to serve.

The Honourable Mr. GIBBS—But surely these Dharwar cases are exceptional and may be provided for separately.

The Honourable Colonel ANDERSON—But it is the same all through the Southern Mahratta Country as it is in those cases in Dharwar to which the honourable member has referred. There are cases where men pay joodee in excess of the survey assessment upon the right to serve and depend for their remuneration upon what they can make out of the service.

The Honourable Mr. ROGERS—Power must be given the Collector to determine who shall be representative wuttundars and who officiators, and it must be borne in mind that they may be distinct persons.

The Honourable the ADVOCATE-GENERAL—If the word "officiators" is used in this part of the Bill it will come into collision with Part X., which describes who shall be officiating wuttundars and deputies.

The Honourable Mr. ROGERS—I wish here that the Collector shall have full power to declare who shall be officiators.

The Honourable the Advocate-General—That would be more appropriately expressed in Sections XLII. and XLIII.

The Honourable Mr. ROGERS—But it must be put down in the register, which is referred to in the section before us.

His Excellency the PRESIDENT—I understand that no wuttun shall for the purposes of this Act be divided into more than eight shares, and that for each share there must be one representative wuttundar. And when a share is sub-divided among various persons, then the Collector shall call upon them to elect from among their number a wuttundar who shall represent the eighth share.

The Honourable the ADVOCATE-GENERAL—If that is the case, when we come to Part X., which specially concerns officiators, we can adopt the Honourable Mr. Rogers' suggestion.

The Honourable Mr. ROGERS—But I must repeat that it would be better to state it in this section, because the register must refer both to officiator and representative wuttundar.

After some further discussion,

His Excellency the PRESIDENT suggested that Section XXVIII. should be discussed before Section XXIV., which appeared to him to be out of its place.

The Council agreed to His Excellency's suggestion.

In line 5 of Section XXVIII. (as printed) "a" was substituted for "the" and after "of" the words "not less than" were inserted.

The Honourable Mr. ROGERS mentioned, in reply to a remark by the Honourable Mr. Gibbs, that there were many cases in which more than one member of the same family was entitled to serve. In Khandesh there were forty or fifty people performing service in this way in a single wuttun. He suggested the following alteration in line 3 :—that the words :—"all or any of the members of" should be inserted before the words "any family."

The alteration was agreed to.

The Honourable Mr. ROGERS said that to meet the case of Taksheemdars a new section would have to be prepared, and also one for those persons who, though they had relinquished their emoluments, had nevertheless retained their right of service.

After some conversation, the words "provided that," in line 1 of the new section was struck out; "all" was inserted after "upon" in line 6; in lines 7 and 8 the words "belonging to such family or distinct branch" were struck out, and the words "possessing such interest" substituted; in lines 8 and 9 "of their number" was substituted for "member thereof"; and in lines 12 and 13, the words "This proviso does not apply to matadar patels in Guzerat" were struck out.

The following new sections were inserted in the Bill :—

"When wuttun emoluments, although previously existing, have been voluntarily relinquished without abandonment of right of service, such right of service shall be dealt with as if the wuttundar were still in receipt of such emoluments."

"The provisions of the two preceding sections shall not apply to matadar patels in Guzerat or to holders of separate taksheems or members of recognised separate branches of wuttuns held by persons of different castes, who, whether entitled to officiate as revenue patel or as police patel or not so entitled, shall be entered as representative wuttundars, whatever may be the amount of the share of each such person."

In line 1 of Section XXXI. (as printed) "the" was substituted for "their," and the words "of the wuttundars" were inserted after "failure"; in line 5, the words "to be considered as representative wuttundar" were inserted after "is"; and in lines 7 and 8 the words "under the above proviso" were struck out and "accordingly" substituted.

In line 3 of Section XXXIII., the words "Village Police" were struck out, and "or Village Accountant" inserted after "Patel."

The Honourable Mr. GIBBS said that Mr. Erskine suggested that the last five lines of the section ought to be made a new section.

This was agreed to, and the last five lines became a new Section.

The Honourable the ADVOCATE-GENERAL enquired what was the kind of "guardian" which was here referred to—a man who gets a certificate of guardianship or a natural guardian?

The Honourable Mr. GIBBS—It may be one or the other. If the guardian does not choose to perform the duties attaching to the representative wuttundarship, then the Collector shall appoint a deputy to perform these duties.

At the suggestion of the Honourable the ADVOCATE-GENERAL "may" was substituted for "shall" in the third line of the new section.

The Council then reverted to the consideration of Sections XXV., XXVI., and XXVII., as printed.

Referring to Section XXVI., the Honourable Mr. GIBBS said—Both Mr. Hope and Mr. Erskine object to the system of rotation which is sanctioned by this section. Mr. Hope says that allowing the establishment of the system of rotation by consent is contrary to the unanimous opinion of both committees on this Bill, and is simply destructive of one of the chief objects which the Bill is meant to attain. He, therefore, thinks that Section XXVI. ought to be expunged altogether, and that Section XXVII. ought to be considerably modified. Mr. Erskine says he objects to Section XXVI., inasmuch as he thinks rotation is admitted to be an evil, and he cannot see why wuttundars should be allowed to force the system upon Government. The great object of the Bill ought, he considers, to be to make the head of a family a person of importance and not to place a number of small sharers upon a footing of equality with him. Mr. Erskine also points out that all the members of committee upon the Bill objected to wuttundars choosing rotation if that system had not been customary with them.

The Honourable the ADVOCATE-GENERAL—I would propose that the Section XXVI. be omitted. In the report issued in 1870 by the committee which was appointed to consider this question certain remarks occur which show that the system of rotation was not recognised under the Native rulers of the country; that in the early Regulations passed at the beginning of the century it was not recognised; and that in 1843 it was simply declared that the Collector should be competent to admit the system of rotation, although the faults of the system were acknowledged. I do not know why this Council should go further than the Act of 1843. In point of fact we are asked to legalise what appears to be admitted on all sides as a very great evil. I have received a communication on the subject from a Revenue Officer of very great experience.

The Honourable Mr. ROGERS here remarked that while the honourable member was speaking on the subject, he should keep clearly before him the important difference which there was between rotation for several years and rotation for life. All that the honourable member had cited to the Council was utterly inapplicable to the case before the Council.

The Honourable Mr. GIBBS—I would point out that Mr. Erskine says it is true that the proviso at the end of Section XXXIV. reduces the evil to a minimum.

The Honourable the ADVOCATE-GENERAL—In Section XXXIV. it is prescribed that the period during which a representative wuttundar is to be entitled to perform the duties of the office is not to be less than ten years, nor, in the case of wuttundars who apply for the system of the Collector, less than for life; but nevertheless it does not appear to me that that proviso very materially alters the objections which have been taken to the system of rotation.

The Honourable Mr. NARAYAN—In the Concan it will very often be found that persons entitled to serve by rotation do not belong to the same family or caste.

The Honourable Mr. GIBBS—Where rotation has not been the rule in a place why should the system be started?

The Honourable ADVOCATE-GENERAL—No doubt it says in this section that a majority of the wuttundars interested must make a written application for the introduction of the system; but the effect of that will be, it appears to me, simply to diminish the dignity of the office and the degree of importance attaching to it. If, however, the office was retained in the head of a family, treating him as the person entitled to officiate personally or by deputy, it will be attaching a very considerable degree of respect for the office—more so, at

all events, than could be expected from a system by which a man becomes aware that after his death a person with whom he may have been in conflict all his life will succeed him and upset all that he had made it the pride of his life time to carry out. For my part it does not seem to me to be desirable to extend this system of service by rotation, and therefore I must vote for the deletion of the section.

The Honourable Mr. ROGERS—Section XXVI. provides only for the recognition of the

Mr. Rogers contends that it would be unjust to Matidar Patels in Guzerat and others to vest the officiatorship of a watan in one family when other families had an equal right to the honour.

custom of service by rotation when it is to be for life, and therefore most of the objections which Collectors originally urged against the system, and which were chiefly directed to rotation for short periods, are completely done away with. One of the reasons which induced me to draft this section is that it is very often extremely difficult to say what rotation is and what is not. Take for instance the case of the matadar patels of Guzerat. Under Native

Governments it was the custom to farm out the revenues of villages, and these patels were originally people who at various times took the farms. They were not necessarily of one family or of one caste, because of course different people at different times undertook to farm the revenues. When we took possession of the country we found that these farmers, or at all events their descendants, had been in the habit of being responsible for the collection of the village revenues, and although they were not then responsible for the actual collection, they were still responsible for the correctness of the entries in the revenue books. Hence arose the designation of matadar, or men having the right of signature. These men will be wuttundars under this Act, although their wuttuns are of a different nature from other wuttuns. The privilege of signing the revenue accounts is greatly prized, not so much on account of the emoluments as on account of the social position which the privilege confers upon the holder. I think, therefore, that as it has hitherto been the custom for the Collector, although there has been no distinct system of rotation recognised, to select from among these matadar patels one who shall be revenue patel, it would be very hard upon patels as a class to nominate one single person and make a patelship hereditary in his family, if the other people are willing that the right of nomination should vest in the whole of them. Although the word used here is "majority," it was not intended that the majority should have power to decide the question. It was meant that they should be unanimous, so that in cases where the system of service by rotation had not existed for thirty years, if patels came forward and "unanimously" agreed to adopt the system for life, then there should be no objection to their request being granted. Not only is there abstract justice in allowing these people whose wuttuns are to be amalgamated by this Act to have a chance of holding the officiating patelship, but I think it would be a positive injustice to them if the privilege were withheld from them. The same remarks apply to other parts of the country than Guzerat. Although we now make demands upon the whole of the wuttundars in a wuttun estate to provide for the pay of the officiator, yet the taksbeems and separate branches of different wuttuns have in reality been treated by the Courts as separate and distinct property. Therefore I say it would be unfair to amalgamate the whole of the wuttuns for the purpose of paying an officiator and yet deprive the remainder of the wuttundars from ever holding the office of patel or enjoying the social position attaching to wuttundars. I believe that if you asked the Collectors one by one they would admit that their objections are altogether done away with by having a system of rotation for life instead of for short periods of years. As to the latter system there can be no doubt of its evils, especially with regard to the bribery and corruption it would give rise to. I believe that by adopting this section we shall give an immense deal of satisfaction to a large number of people, who believe that if they are not recognised as patels they will lose their social position and be unable to get their sons or daughters married into respectable families. The only alteration I would recommend upon it is that we substitute "unanimously" for "majority."

The Honourable Mr. GIBBS—I feel myself to be in much the same position as the Honourable the Advocate-General in holding a brief for one of the sides of the revenue authorities of this Presidency. I am instructed, and from what I have heard I am also personally convinced, that rotation is in itself an evil, and we should reduce it to the smallest possible amount. I have already read to the council the views of Mr. Erskine, one of the ablest Collectors in the Deccan, and of Mr. Hope, one of the ablest Collectors in Guzerat, and I may add that I believe similar opinions are held by Mr. Robertson of Dharwar. There is thus one authority on the subject in each of the great divisions of the country. Beside that, it is the opinion of the Chief Secretary of Government, who has had large experience all

over the Deccan; of my honourable friend on my right (Colonel Anderson); of the Committee of Revenue Officers who sat to consider this Bill; and also of the present Revenue Commissioners, that the system of rotation is undesirable. In the presence of such an array of authorities on the one side, I feel that it would be a very serious matter if this Council were to go with my honourable colleague, Mr. Rogers, who stands almost alone in the views he has expressed. The honourable member has told us that the chief argument in favour of the section is that all wuttundars, in particular cases, should have a chance of obtaining the right to officiate; but if the social status of certain families is to be preserved simply on the chance of a member of some of them becoming an officiator, I am afraid that their social status is resting upon a very insecure foundation. At the same time, however, I believe it is the case that the mere declaration of a man as a wuttundar gives him a social status which, though not so high as the person who actually officiates, is yet of importance enough to entitle him to be reckoned among the gentry of the country. Looking at the other side of the question, however, I think that the fact of the officiating duties being performed hereditarily in one family has a great many benefits. For one thing, it effectually prevents enmities from arising between branches of families in consequence of the possession of the wuttun. Under the rotation system, a man might say, "So-and-so is officiator now, but it will be my turn next to be officiator, and when I get in I shall upset all that he has done." Under the permanent system, it is very likely that an officiator, in the latter years of his life, would carry on the duties through his son, and therefore it is probable that one unbroken regular policy would pass from father to son—an advantage of considerable importance. By the permanent system Government would be much more likely to obtain the services of good officers than it would be if it allowed men to act who had no prescriptive right to do so, but had to depend upon a number of other persons consenting to such an arrangement. Although it is urged that the rotation intended here is life-rotation, still in the face of the great number of authorities whose opinions are opposed to such a system, I think it my duty to support the motion of the Honourable the Advocate-General.

The Honourable Mr. ROGERS—I would remark, in reply to the Honourable Mr. Gibbs' argument that under the permanent system a son would very likely do the duties of the wuttun in the name of his father, that the same thing would be just as likely to take place under the life-system of rotation.

The Honourable Mr. GIBBS—But the son would not have the same good reasons for carrying on the duties efficiently, because he would feel that he was only acting temporarily.

The Honourable Mr. NARAYAN—In supporting the views of the Honourable Mr. Rogers, I would point out that Act XI. of 1843 does recognise the system of rotation. The Collectors ought to be allowed to perpetuate the system of rotation in many cases which occur throughout the Concan, where it is already the practice to admit service by rotation. If the system is continued because it may have existed for thirty years, I really do not see why it should not be introduced if a body of wuttundars unanimously ask the Collector to introduce it.

The Honourable Colonel KENNEDY—Are those gentlemen who object to the system aware of the fact that the concurrent consent of all the wuttundars is requisite before the system of rotation can be adopted?

The Honourable Mr. GIBBS—Mr. Erskine must be, at all events, because he speaks of Section XXXIV. as reducing the evils to a minimum.

The Honourable Colonel KENNEDY—Where there are numerous families involved, a regular permanent system of doing duty could hardly be agreed upon.

The Honourable Mr. NARAYAN—That is just the point. There are numerous cases in which persons qualified to officiate do not belong to the same family, nor even to the same caste, for at one time the officiator may be a Brahmin, and at another a member of the goldsmith caste. I know that the wuttun of collecting the revenue in Vingorla is held by people of four different castes.

The Honourable Mr. BYTHELL—According to the extract which the Honourable Mr. Gibbs has read from Mr. Erskine's letter, the evil has been reduced to a minimum, and we must add to that fact that the Honourable Mr. Rogers, who has had very great experience in the matter, has told us that if we reject this section we will be causing great injustice to certain families without securing any tangible results.

The Honourable Colonel ANDERSON—The question appears to me to be this, what plan of getting an officiator will ensure the best service to Government? and my own opinion is that the best service to Government will be ensured by increasing as much as possible the dignity of the family holding the right to the office. If the office is passed from family to family in rotation, it is evident that all the advantages secured by the permanent system will be in some degree lost. The advantages of the rotation system will be very hard to find. It is scarcely necessary for me to go into all the reasons against rotation: the almost complete consensus of opinion against it should, I think, suffice the Council. We are compelled to adhere to the system where a prescriptive right has been created, but beyond that I do not think we should extend it.

The Honourable Mr. ROGERS—The Honourable Colonel Anderson has advanced but theoretical objections to the system, while I have advanced one tangible reason for agreeing to this section—namely, that unless we allowed certain wuttundars to say whether they will have the system of rotation, we shall be committing a gross injustice upon numerous families.

The Honourable the ADVOCATE-GENERAL—There can be no gross injustice done where an interest had not been vested in a community. By giving all families, or all wuttundars in a wuttun in which a thirty years' custom has been established, the right to enjoy that custom, we do all that is required in the interests of justice. The Honourable Mr. Rogers admits that service by rotation is an evil.

The Honourable Mr. ROGERS—Only service by rotation for short periods.

The Honourable the ADVOCATE-GENERAL—I do not myself follow the argument that there is much difference in the system whether it be for a long or a short period. It appears to me that no good grounds have been shown for extending the system to cases where a user has not been established, and I am now firmer in my opinion than I was before this discussion started that only in cases where a vested interest in rotation has been created should rotation be recognised.

The Honourable Mr. ROGERS—No particular virtue should attach to a thirty years' period.

The Honourable the ADVOCATE-GENERAL—That is the period which has been recognised by Regulations passed early in the century, and which has been recognised ever since. According to the Hindoo idea a hereditary right is as much property as land.

The Honourable Colonel KENNEDY—The clause as it is proposed to amend it implies the consent of the wuttundar for the time being. Under the condition of "unanimity" he himself must be willing to allow the system of rotation to take place; otherwise it cannot take effect.

The Honourable the ADVOCATE-GENERAL—Certainly I think if the existing incumbent's vote must be taken he will vote against the system of rotation, and so make the section a dead letter.

His Excellency the PRESIDENT—It seems to me that what the Collectors want would, if carried out to its full extent, amount to conferring these offices time after time upon the same family. These wuttuns are, however in reality corporations, and the effect of the change proposed by the Collectors would be to make these corporations petty peerages. (Hear, hear.) You may call certain families wuttundars, but if they are never allowed to serve their right must become extinguished.

The Honourable Mr. BYTHELL—One advantage of retaining the section is that the Collector will have a number of families to choose among, and when that is the case there is less chance of an idiot or incompetent person being made to officiate.

The Honourable Mr. NARAYAN—Moreover, where a son succeeds his father, he will, if the latter has been guilty of any malversation, be less interested in exposing it, whereas, if a new man is put in he will more likely report the matter to Government.

After some further discussion, the Council divided on the Honourable the Advocate-General's motion, that Section XXVI. should be omitted:—

Ayes—3.

Noes—8.

The Honourable J. GIBBS.

The Honourable the ADVOCATE-GENERAL.

The Honourable Colonel W. C. ANDERSON.

His Excellency the Honourable Sir AUGUSTUS ALMERIC SPENCER.

The Honourable A. ROGERS.

The Honourable MUNGULDASS NUTHOOBHAY.

The Honourable Colonel M. K. KENNEDY.

The Honourable Sir JAMSETJEE JEJEEBHAY.

The Honourable NARAYAN VASUDEVJEE.

The Honourable J. K. BYTHELL.

The Honourable GUNPUTRAO TATYA SAHIB PUTWURDHUN.

The motion was therefore lost.

The Honourable Mr. ROGERS—To meet the cases where sharers belonging to different branches of families have a right to serve at the same time, I wish to give the Collector power to choose between them by the following section:—"Where any family distinct from that of the original wuttundars has enjoyed the right to serve as deputies for the latter, such practice shall be recognised, and the provisions of this Act shall apply to such deputies equally as if they had been the original wuttundars, and it shall be lawful for the Collector to exact services from all and to provide for the remuneration of the officiator from such distinct family out of the wuttun in the same manner as if he had belonged to the original family of wuttundars."

The Honourable Mr. MUNGULDASS mentioned that H. H. Scindia and H. H. Holkar were patels of villages and insisted upon their right of the enjoyment of their wuttuns.

The Honourable Mr. NARAYAN corroborated the Honourable Mr. Munguldass, and mentioned that he knew H. H. Scindhia to be patel of Wanowrie village, near Poona.

The Honourable Mr. GIBBS mentioned that these villages were distinguished for being the haunts of disreputable characters.

The Honourable the ADVOCATE-GENERAL—How are persons who have given up their right to emoluments but not to service affected by the Bill as it stands at present?

The Honourable Mr. ROGERS—Section XXX. does not acknowledge them at all, as they are not concerned in the eighth part of a wuttun.

The Honourable the ADVOCATE-GENERAL—I think that the honourable member might give notice of this amendment for the third reading.

The Honourable Messrs. BYTHELL and GIBBS thought that the section should be accepted provisionally, and Collectors would be able to state their objections to it before the third reading of the Bill.

The section was held over for insertion in the latter part of the Bill.

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, 27th September 1873.