

Saturday, December 3, 1859

**LEGISLATIVE COUNCIL  
OF  
INDIA**

**VOL. 5**

**JAN. - DEC.**

**1859**

**P . L .**

Saturday, December 3, 1859.

PRESENT :

The Hon. Lieut.-Genl. Sir James Outram, Senior Member of the Council of the Governor-General, presiding.

Hon. H. Ricketts,	Hon. Sir C. R. M. Jackson, and A. Sconce, Esq.
Hon. H. B. Harington,	
Rt. Hon. J. Wilson,	
H. Forbes, Esq.,	

LICENSING OF TRADES AND PROFESSIONS.

THE CLERK presented to the Council the following Petitions against the Bill "for the licensing of Trades and Professions"—

A Petition of certain Inhabitants of Calcutta.

A Petition of Inhabitants of Madras.

A Petition of Native Inhabitants of Ahmedabad in the Bombay Presidency.

MR. HARRINGTON moved that the above Petitions be printed.

SIR JAMES OUTRAM then rose and said—

I gladly seize the opportunity this Motion affords me, without infringing the Standing Orders, I believe, to put myself right with the public in a matter having connection with the Bill against which this is a protest, affecting the honor of my colleagues in the Government of India and myself, though I deem that the public has done us grievous wrong in so readily assuming that we could be capable of the dishonor which has been attributed to us by the public Press.

I say *dishonor*, for surely 'twere most dishonorable in us to conspire, as we are accused of having done, to impose burdens on our countrymen and native subjects in India, from which we exempt ourselves.

I speak for myself alone, without concert with, or authority from, His Excellency the Viceroy or my Honorable Colleagues, who possibly may consider it unnecessary, or that it would be undignified, to defend themselves against what they are conscious are utterly unfounded calumnies. But I confess myself to be, as a soldier, more sensitive to attacks on my honor than public men usually are perhaps, and I will not silently submit to have my

honor, in my official capacity, called in question, any more than I would suffer my honor to be assailed as a private individual.

High in position as a seat in the Council of India is, and lucrative as is its salary, I must say that I consider the dignity and emoluments of the Office more than counterbalanced by the virulent slander and vindictive misrepresentation to which its incumbent is now so frequently exposed, however undeserved. It was hard enough to be subjected to the unscrupulous assaults of the local Press; but now that some of the most respectable and influential of the organs of public opinion in England so readily adopt and give currency to those misrepresentations, I confess that to me the position is almost unbearable, and that it would afford me more pleasure than regret to be released from it. So much is this my feeling, that I declare that did my present circumstances admit of my doing so, I would at once solicit to be relieved, although I myself have less of slander and misrepresentation to complain of perhaps than others of my colleagues.

Without at present referring to former attacks, especially on the high-minded nobleman at the head of the Government, I shall merely now notice those which have found utterance since our Bill for licensing trades and professions was introduced to the Council at our last sitting, and which I find thus summarized and commented on, as regards the English Press, by the London correspondent of the *Friend of India*, as published in that paper the day before yesterday—

"They (certain of the leading papers) have reprobated, in no measured terms, the exemption of the servants of Government which it was sought to establish. That project has been defeated, but the odium of having proposed it sticks to the Government, and all the water in the river cannot wash out the stain. Public confidence can never again be placed in men who proposed to exempt themselves from taxation, to which they were ready to subject all other classes. Nor has it failed to be noticed, to the damage of the Governor-General unjustly, that both in the original and in the amended proposition his own personal interests have been held sacred. You know that one act of meanness does more to destroy a man's reputation than a dozen acts of despotism, and it is to be hoped that

this anomaly will be fully and satisfactorily cleared up."

I am happy to observe that the writer himself considers the strictures on the Governor-General to be unjust, and I shall soon satisfy the public, I trust, that they are *most* unjust; but I have now to deal with the accusations a brought against the Government, as a body, by the public here and at home.

We are accused, in the first place, of having sought to screen the servants of the State (including ourselves, that is, the Governor-General and his colleagues in the Government) from sharing the burdens we purposed imposing on our countrymen and native subjects in India. And then, on failure of effecting that assumed object, we are accused of designing to exempt ourselves from bearing any share of the burdens we purposed imposing on the servants of Government. Now, there is not the shadow of a foundation for either of those accusations, as I am about to show. And I trust that in doing so I may not be deemed by my Honorable Colleagues in the Government amenable to the charge of indiscreetly divulging aught that should be concealed; for I myself can see no objection to its being proclaimed at Charing Cross, that we did at one time contemplate levying a contribution from all servants of the State at the graduated scale of five per cent. on salaries not exceeding five hundred Rupees monthly, ten per cent. on salaries ranging from five hundred to five thousand Rupees, and twenty per cent. on salaries above five thousand Rupees. And though I know it is quite unnecessary for me so to assure you, Honorable Sirs, yet, as the uncharitable public might require such a declaration from me, I do declare, therefore, that no consideration that the heaviest burden would fall on ourselves by that measure influenced us in subsequently substituting the more extended scheme of Mr. Harington's Bill, whereby all classes who could legally be reached would be taxed at the estimated rate of three per cent. on Income. Nor was it ever for one moment contemplated by the Government to exempt either its members, or any servants of the State, from the same rate of taxation on their salaries (though I admit

that I myself pleaded exemption for Regimental Officers not on the Staff on what appeared to me just grounds); but we did consider it unadvisable to specify those salaries in the Bill, because thereby a precedent would be established as uncalled for as undesirable, admitting the right of this Council to interfere with the action of Government in lowering or raising the salaries of its servants, which the Government has full power to decree without the intervention of any legislative Act. And the taxation of such salaries would have been decreed by Government accordingly simultaneously with the passing of the Bill.

Afterwards, when in deference to the opinion of this Council we waved that objection, and official salaries were brought within the provisions of the Bill, the Government was still debarred from including those salaries which had been fixed by Act of Parliament (that is, those of the Governor-General and Members of the Council of India, and of the Members of the Legislative Council), it having been pronounced by our Law adviser that such salaries cannot legally be interfered with by any Act of this Council. But it never, of course, was intended by any Member of the Government to claim exemption on that plea from equal taxation on his own salary, and it was unanimously resolved by us that each Member should personally direct the amount to be deducted from his monthly abstract, and paid into the treasury, from the date on which the Bill should come into operation. And we did not, and could not doubt, that the Honorable Members of the Legislative Council would do likewise. So impossible did it appear to me that it ever could be conceived that any honorable man—and in high position—would desire to evade his just dues to the State, that I certainly was somewhat astonished when our Honorable and learned Vice-President, and his Honorable and learned Colleague, stood up in this assembly to declare that *they* would act honestly in the matter, as if anticipating that such a charge might be brought against us. So entirely supererogatory did I regard it for any gentleman to volunteer so unnecessary an assurance, that I really thought it self-degrading to do so, as admitting the possibility of its ever being sup-

posed that I could do otherwise than act honestly. I abstained therefore from following the example of those Honorable and learned Gentlemen; and I presume all other Honorable Members were likewise deterred from doing so by similar feelings.

It must be evident to us all now, however, that the Honorable and learned Members were right, and that we—not learned Members—were wrong. They have been extolled for their patriotism and magnanimity, and for their independence in not following our base example: while we are regarded as devoid of those qualities. The Honorable and learned Gentlemen judged human nature—British nature—more shrewdly than we, and this I account for by the fact that they, as Members of the Legal Profession, left home at a mature age, after rubbing shoulders for years with their fellow-men in England since arriving at man's estate; whereas we, having come to India as mere boys, and having had no experience of personal contests with our countrymen in the hard struggles of life, had associated with them only during brief furloughs: and had seen them only in holiday attire—a merely social intercourse wherein the *amenities* had no need to be discarded, neither party having aught to gain, from, or lose to, the other. We gave our countrymen credit for the more generous feelings which inspire confidence in the integrity of men whose long services and tried character might well raise them above the reach of suspicion. But we reckoned without our host. We now find that no character, however high, can shield us from the suspicion that we are as regardless of honor as the meanest shoe-black in London streets. It has to me been a lesson that will last till the end of my life. I now feel that high rank in the Army, high honors derived from my Queen and my country, the acknowledgment of Parliament, and forty years' tried service to the State, are no guarantee for my honesty in the eyes of my countrymen. Never hereafter shall I claim exemption from man's distrust on such flimsy grounds.

But this is not all. Not merely is the Government of India deemed by the public here and at home, or at least by their Press organs, so selfishly mean

and tyrannical as to exempt itself from the exactions it heartlessly wrings from its subjects and servants, but we, its members, are assumed, I observe, to be imbued with such overweening self-conceit and blind prejudice, that we are expected by the people of England to throw every obstacle in our power—from sheer jealousy, if not worse influences—in the way of the Right Honorable Gentleman who has come to aid us in our financial difficulties! so devoid of patriotism, so regardless of our duty to the State, and of the interests of the millions entrusted to our rule, and so utterly dishonorable, as wilfully to obstruct any beneficial measures that do not emanate from ourselves! To this I scorn to reply. The Right Honorable Gentleman needs not, I am sure, any assurance from me of the cordial, earnest, and honest support he will always receive from his colleagues in the Government during the prosecution of the arduous task which with such generous self-devotion he has undertaken. We are bound in honor, we are bound by duty, and it is our most earnest desire, to aid our right Honorable Colleague in that undertaking to the utmost of our power and ability, and I am confident that he will as cordially accept our co-operation as it will most cheerfully and heartily be given by us. He knows too well the nature of the duty before him to require me to tell him how ungracious, as well as arduous, a task he will find it to draw taxes from Her Majesty's subjects in India, heretofore almost wholly exempt from direct taxation; but this much I may tell him, as the result of my own experience among them, that I do believe, that were the Angel Gabriel to descend from Heaven to apportion the share each individual should bear of the common burden, not one of them but would protest against his decision.

Great as has been the outcry against the License Bill, I am satisfied of this, that our Right Honorable Colleague will derive benefits from the discussion it has raised, if not from the Bill itself, whether it be adopted or not, either in its integrity or in a modified form; for it has elicited information as to the resources of all classes in India, which otherwise could not easily have been obtained: each class of the people, in

Sir James Ouzram

claiming exemption for itself, having zealously volunteered to show how other classes may be mulcted more readily, if not more justly.

SIR JAMES O'UTRAM concluded with an expression of thanks to his Honorable Colleagues of the Council for their kind attention and sympathy, throughout his first attempt to defend himself and them from undeserved reproach.

MR. HARRINGTON said, he had not intended to take any notice of the misrepresentations which had appeared in some of the English journals relative to the conduct of the Government of which he had the honor of being temporarily a Member, in proposing to exempt official salaries from the operation of the Bill brought in by him for licensing trades and professions, because he felt that there was sufficient on record, both in the printed reports of the proceedings of the Council, and in the columns of the Indian journals, to show that, as had been so well and emphatically declared by the Honorable and gallant President, there was not the smallest ground for the statement which had been put forth that it was at one time contemplated that the salaries of the Members of Government and official salaries generally should be allowed to go scot-free, while all other professional incomes were to be taxed. He was not insensible to public opinion. Mere personal or vulgar abuse he made it a rule always to treat with contempt, but to criticism upon his public acts, even though it should not always be fair and candid, he did not think it right to turn a deaf ear. If the criticism were favorable, the effect upon him was to confirm him in his purpose. If the criticism were unfavorable, the use to which he tried to put it was to make it the means of a more careful examination of the particular measure to which it related, with a view to satisfy himself as to whether that measure was right or wrong in itself. This was how he had endeavored to act in respect to the numerous criticisms on the Bill to which he had referred. Generally he must admit that the criticisms on that Bill which had appeared in the journals at home were characterized by a spirit of fairness and

moderation. He believed he might also say that many of those criticisms were not otherwise than favorable to the Bill as originally introduced by him, and he had often regretted that he had not stood firmly by that Bill, instead of consenting to the introduction of the modifications in it, which he really believed had led, in a great measure, to the Bill becoming so unpopular amongst certain classes in this country. With regard to the misrepresentations which had appeared in the public papers, whether they were wilful, or whether they proceeded from ignorance alone, he should have been well content to have left their correction to time, in the full assurance that, as the public became better informed, particularly upon the point to which His Honorable and gallant Friend and Colleague in the Government had so pointedly alluded, justice would be done them; but as His Honorable and gallant Friend's nice sense of honor would not allow him to remain quiet under the imputations which had been cast upon him in common with the other Members of the Government, it had become his (Mr. Harrington's) duty, from which he could not properly shrink, to break the silence which he had proposed to himself to maintain, and publicly and fully to support and confirm what had fallen from the Honorable and gallant General.

In the remarks with which he (Mr. Harrington) prefaced the Motion for the second reading of the Bill for licensing trades and professions, he explained the measures which were in contemplation in order to place the members of the Government, and the officers of Government generally, on certainly not a better footing, as regarded the taxation of their official incomes, than the various classes to which the Bill introduced by him would apply; and he distinctly stated that, although it was considered that the salaries of the Governor-General and of the other members of the Government as well as of several other high public officers were protected by Act of Parliament, it was not the intention of the Governor-General in Council to avail himself of that protection, but that from the date upon which the Bill should come into operation, the salaries of the Governor-General and of the

other members present with the Government would be subjected to the proposed reduction. It had certainly been insinuated that this proposal to tax official salaries was a mere after-thought. He would not however allude further to that insinuation, because he believed that it arose out of a misunderstanding, and he was glad to find that it had not been repeated in any of the public papers which he had seen. So far from the Government entertaining any intention of exempting the salaries of its own members, or of public officers generally, from the burden which it wished to impose upon other professional incomes, he might mention (he hoped without any breach of official secrecy), in confirmation of what had fallen from the Honorable and gallant President, that His Excellency the Governor-General had been the first to propose the surrender of no less than twenty per cent. of his own salary, and that the percentage proposed for the service at large was, upon the whole, greatly in excess of the rate mentioned in the Bill as now drawn. It was felt, however, that until the Council had affirmed the principle of the Bill by allowing it to be read a second time, no final decision could properly be come to in respect to the reduction to be made from official salaries, and that until that was done it would be premature to make public the intentions of the Government. This was one of the chief reasons for no communication on the subject being made to the Council when the Bill was introduced, though he was able, from his own knowledge, to say that the intentions of the Government were no secret to more than one Member of the Council, other than the Executive Members, at the time of the first reading of the Bill, and certainly not more than two of the Members were ignorant of those intentions when the Motion for the second reading was made. The reason why the silence which the Government had observed in the first instance was afterwards departed from, was to be found in the misapprehensions which had arisen on the subject, and it was hoped that the explanation afforded at the time the Motion for the second reading of the Bill was made would have been considered satisfactory, and that the Go-

*Mr. Harington*

vernment would have been allowed to carry out its intentions. The Council, however, by a majority of votes, had thought proper to take the matter out of the hands of the Government, and having introduced a Section into the Bill which declared that, with certain exceptions, all official salaries should be taxed at the rate of three per cent. per annum, it only remained for the Government to adopt the necessary steps to have the rule extended to such of the exceptions as were considered to fall within the Act of Parliament, and no time had been lost in making the necessary application to the Home Authorities for this purpose. He must apologize for having troubled the Council at such length with a matter, in a great measure, personal to himself; but after what had fallen from his Honorable and gallant Colleague in the Government, he did not think he could have said less, or acted otherwise than he had done; nor could he resume his seat without expressing his full and hearty concurrence in all that had been said by the Honorable and gallant President in respect to the Right Honorable Gentleman who had that day taken his seat amongst them for the first time. He believed he might truly state that their only wish was to co-operate most cordially with the Right Honorable Gentleman, and to afford him all the assistance in their power. For his own part he looked forward to being associated with the Right Honorable Gentleman in his public duties with the utmost satisfaction, and he considered it to be almost impossible to over-estimate the benefits to India which might be expected to result from the Right Honorable Gentleman's appointment.

MR. WILSON said, he certainly had not intended to offer any observations to the Council to-day, for, when he took his seat, he thought there could be no occasion for him to do so. But after the observations which had been made by the Honorable and gallant President and by the Honorable Member opposite (Mr. Harington), it would not be just to his (Mr. Wilson's) own feelings nor to others if he were to be entirely silent. What he had to say, however, he would express in the fewest words, because no number of words

could add to the force or sincerity of the statement he was about to make, that from the moment of his landing on the shores of India he had met with the most cordial reception from his Honorable Colleagues. More than that, he should say that he had experienced in all quarters the most willing and anxious desire to forward the ends and purposes of his mission to India. He would not enlarge upon this subject, but he trusted that the few observations which he had made would disabuse the public mind. He would merely add that, from the Governor-General downwards, he had met with the most cordial tender of support and assistance, and he hoped that the Honorable and gallant President and the Honorable Member who had just spoken would accept his entire reciprocation of the kind and generous sentiments which they had expressed towards himself.

The Motion was put and carried.

THE CLERK presented a Petition from the Inhabitants of Bombay against the same Bill.

SIR CHARLES JACKSON moved that the above Petition be printed.

Agreed to.

THE CLERK presented a Petition from Native Merchants, Traders, and others of the Town and Island of Bombay against the same Bill.

SIR CHARLES JACKSON moved that the above Petition be printed.

Agreed to.

#### STAMP DUTIES.

THE CLERK presented a Petition from the Bombay Chamber of Commerce concerning the Bill "to consolidate and amend the laws relating to Stamp Duties."

MR. SCONCE moved that the above Petition be printed.

Agreed to.

#### CIVIL PROCEDURE.

THE CLERK presented a Petition from the Indigo Planters' Association against so much of the Bill to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Jurisdiction not established by Royal Charter) as proposes to reduce the number

of Judges of the Sudder Court for the hearing of appeals.

MR. HARRINGTON moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

#### ARMS AND AMMUNITION.

THE CLERK presented a Petition from the Indigo Planters' Association against the Bill "to make perpetual Act XXVIII of 1857 (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same).

SIR CHARLES JACKSON moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

THE CLERK presented a Petition of Mr. T. C. Fenwick against the same Bill.

MR. HARRINGTON moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

#### RECOVERY OF RENTS (BENGAL).

THE CLERK presented a Petition from Rajah Suttshurn Ghosal, praying that Section 161 of Act X of 1859 (to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal) may be repealed or amended so as to abolish appeals, or, by making them summary and immediate, to reduce the time of their duration.

MR. SCONCE moved that the above Petition be printed.

Agreed to.

#### MARRIAGES.

THE CLERK presented a Petition from Ministers and Elders of the Church of Scotland regarding the celebration of Marriages by the Ministers of that Church in India.

MR. SCONCE moved that the above Petition be printed.

Agreed to.

#### SALE OF LANDS (MALACCA).

THE CLERK reported that he had received a communication from the

Officiating Governor of the Straits Settlement on the subject of a law to facilitate the sale of land at Malacca.

MR. SCONCE moved that the above communication be printed.

Agreed to.

#### ADEN.

THE CLERK reported that he had received a communication from the Home Department, forwarding a further communication from the Bombay Government relative to the proposed Act for making adequate provision for the administration of justice at Aden.

MR. HARINGTON moved that the above communication be printed.

Agreed to.

#### TRANSPORTATION OF CONVICTS.

THE CLERK reported that he had received a communication from the Home Department, with Extracts of a Despatch from the Secretary of State, on the subject of the Transportation of Convicts.

MR. HARINGTON moved that the above communication be printed.

Agreed to.

#### TAX ON DOGS (STRAITS SETTLEMENT).

THE CLERK reported that he had received a communication from the Governor of the Straits Settlement relative to a proposed imposition of a tax upon Dogs throughout that Settlement.

SIR JAMES OUTRAM moved that the above communication be printed.

Agreed to.

#### NATIVE CHRISTIANS.

THE CLERK reported that he had received a communication from the Bengal Government forwarding copies of papers on the subject of the law in relation to the claims of Native Christian Converts upon their families detained by their Heathen relatives.

MR. SCONCE moved that the above communication be printed.

Agreed to.

#### NATIVE PASSENGER VESSELS (BAY OF BENGAL).

THE CLERK reported that he had received a communication from the Home Department, with Extract of a Despatch from the Secretary of State, respecting the evasion of the provisions of the Native Passengers' Act I of 1857.

MR. FORBES moved that the above communication be printed.

Agreed to.

#### MILITARY CANTONMENTS.

THE CLERK reported that he had received a communication from the Military Department regarding the expediency of passing an Act empowering Cantonment Magistrates at Stations where there are European Troops to expel all persons considered unfit to remain therein.

MR. HARINGTON moved that the above communication be printed.

Agreed to.

#### MAGISTRATES.

THE CLERK reported that he had received a communication from the Bengal Government, with a copy of a correspondence relative to a proposed increase of the powers of Magistrates.

MR. HARINGTON moved that the above communication be printed.

Agreed to.

#### ESTATE OF THE NABOB OF THE CARNATIC.

THE CLERK reported that he had received a communication from the Home Department forwarding a communication from the Madras Government, furnishing copies of the judgments delivered by the Judges of the Supreme Court at Madras in the case of Gunshum Doss.

SIR CHARLES JACKSON moved that the above communication be printed, and the consideration of the same stand over till the return of the Honorable and learned Vice-President.

Agreed to.

MUNICIPAL ASSESSMENT (SINGAPORE)

THE CLERK reported that he had received a communication from the Home Department, forwarding copies of papers respecting the necessity of raising the maximum of the Municipal rates and taxes at Singapore.

MR. SCONCE moved that the above communication be printed.

Agreed to.

MAGISTRATES.

THE CLERK reported that he had received a communication from the Home Department, forwarding a copy of papers relative to the power of a Magistrate to punish persons convicted of the offence of leasing young girls for the purpose of prostitution.

MR. HARRINGTON moved that the above communication be printed.

Agreed to.

• ARMS AND AMMUNITION.

MR. HARRINGTON said, it would be in the recollection of the Council that in the month of August last he introduced a Bill for making perpetual Act XXVIII of 1857 (relating to the importation, manufacture, and sale of arms and ammunition, and for regulating the right to keep or use the same); and as the duration of that Act had been limited to two years, of which only a small portion remained, he asked the Council to suspend the Standing Orders in order that the Bill brought in by him might pass rapidly through its several stages, the object being to prevent any cessation in the operation of the law which was being vigorously and successfully carried out at the time in most of the districts in the Upper Provinces. Some Honorable Members, however, objected to decide off-hand upon the expediency or otherwise of giving permanency to the law in question, and as they required further time for consideration, it was agreed that a temporary Act should at once be passed for continuing Act XXVIII of 1857 in force until the close of the current year, and that a separate Bill should be introduced

for making the law perpetual, which, if allowed by the Council to be read a second time, would be published for general information, and might afterwards be proceeded with in the usual way. The temporary Act received the assent of His Excellency the Governor-General on the 13th August, and the disarmament of the Native population was now being carried on under its provisions, though, as noticed, it would expire in a few days. No time was lost in bringing in a separate Bill, which was read a second time on the 27th August, and was referred on the same day to a Select Committee, who were desired to make their report on or after the 1st December. The report was therefore now due; but circumstances had hitherto prevented the Committee from meeting to consider the Bill, and no communications had as yet been received from the local Governments. It was moreover considered very desirable that the Bill should be carefully considered by the full Council, for which there would hardly be time before the temporary Act now in force expired, particularly as three of the Members of the Council were still absent, and they were about to lose for a time the services of the Right Honorable Gentleman opposite (Mr. Wilson). It had therefore appeared to him (Mr. Harrington) that the better plan would be to pass another temporary Bill extending Act XXVIII of 1857 for three or six months, although he should prefer the longer period. This would prevent the inconvenience which would arise were Act XXVIII of 1857 to be allowed to expire before a new Act was passed, and it would also allow ample time for the consideration of what was intended to be a permanent measure. Another reason which appeared to him to render it advisable to pursue the course which he had just mentioned was that he had been informed by his Honorable Friend the Member for Bengal that he intended to move to day for certain returns connected with the working of Act XXVIII of 1857 which could not possibly be prepared and laid before the Council under two or three months.

He had therefore the honor to give notice that at the next meeting of the

Council he should move the first reading of a Bill to continue Act XXVIII of 1857 in force for a further period of six months, that is to say, from the 1st January to the 20th June 1860 inclusive; and that if the Council allowed the Bill to be read a first time, he should ask permission to suspend the Standing Orders with a view to the Bill passing through its remaining stages on the same day.

#### LAND FOR PUBLIC PURPOSES.

MR. FORBES moved that a commission received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "to amend Act VI of 1857 (for the acquisition of land for public purposes)."

Agreed to.

#### POLICE (PRESIDENCY TOWNS AND STRAITS SETTLEMENT).

MR. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.)"

Agreed to.

#### NATIVE PASSENGER VESSELS (BAY OF BENGAL).

MR. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal."

Agreed to.

#### MALABAR OUTRAGES.

MR. FORBES moved that a Despatch from the Secretary of State relative to the Bill (which was passed as Act XX of 1859) "for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George" be printed.

Agreed to.

*Mr. Harington*

#### NATIVE PASSENGER VESSELS (BAY OF BENGAL).

MR. FORBES gave notice that he would, at the next Meeting of the Council, present the Report of the Select Committee on the Bill "to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal;" and that he would on the same day move for a suspension of the Standing Orders in order that the Bill might be passed through its remaining stages. In doing so he said that this Bill was in amendment and continuation of Act I of 1857, which would expire on the 7th of the following month. The Report of the Select Committee on the Bill was not due till after this day; and if the Bill were to be proceeded with in accordance with the ordinary course, it was probable the present law would expire before the new Bill could receive the assent of the Governor-General. To avoid this inconvenience, he proposed at the next Meeting of the Council to move for a suspension of the Standing Orders with a view to the Bill being passed through its remaining stages forthwith. The law which the new Bill would continue had been in force for three years, and he did not anticipate that any objection would be made to the course which he proposed to take.

#### ARMY AND STATE OFFENCES.

MR. HARRINGTON gave notice that he would at the next Meeting of the Council move the first reading of a Bill to continue in force for a further period of one year Acts XIV, XVI, and XVII of 1857, and that, if the Council allowed the Bill to be read a first time, he should ask permission to suspend the Standing Orders with a view to the Bill passing through its remaining stages on the same day.

In giving this notice, he said it seemed right that he should state briefly at this time the reasons which had led the Government to consider that the Acts which he had mentioned should continue in force some little time longer. It was originally intended that those Acts, which were called into existence by the peculiar and extraordinary circumstances of the period when they

were proposed, should continue in force for one year only. They were afterwards extended, as the Council were aware, to the end of the current year, by which time it was confidently expected that all necessity for them would cease, and such was indeed the case as regarded the greater part of the country. But the Honorable the Lieutenant-Governor for the North-Western Provinces had strongly urged upon the Government the advisability of continuing the Acts in force for the further period of a year to enable him to continue a tribunal which had been established by him, with the sanction of the Supreme Government, for the trial of mutinous sepoys. Of these a large number were now under trial before the tribunal to which he had referred; others were daily surrendering themselves for trial or were being arrested. On the Oude Frontier, as was probably known to the Council, operations were going on against the rebels who had taken refuge in the Nepaul Territory. These included several persons of note, and it was very desirable that, as they were arrested, they, as well as the mutineers to whom he had alluded, should be tried by the same tribunal and under the same law as would have been the case had their arrest or surrender taken place at any time during the last two years, rather than that they should be made over to the regular Courts which had already sufficient business of their own to attend to. In some parts of Bundelkund also, as the Council must have observed from the public prints, a large number of rebels had collected. These were now being pursued and captured by our troops. To them, as regarded the trial of any who might surrender or be arrested, the remarks which he had just made equally applied. With this explanation before them he hoped the Council would consent to the extension of the Acts to which his notice referred, under the assurance that they would be applied only to persons of the classes described by him, and that crimes which were being committed in the districts in which tranquillity had been restored would be left to be disposed of by the ordinary tribunals under the general Regulations.

## ARMS AND AMMUNITION.

MR. SCONCE said, he ought possibly to have prepared the Council as to the terms of the Motion which he was about to make, and to which the Honorable Member opposite (Mr. Harington) had alluded. What he (Mr. Sconce) proposed was that a Message should be sent to the President in Council calling for information as to the working of the Arms Act XXVIII of 1857. That was a temporary Act, and it seemed to him important that, before making it perpetual, the Council should be in possession of full information as to the use which had actually been made of it, and that they should know in what Districts, Provinces, and places it had been actually brought into operation. He would remind the Council that the law in question was not one single in its object. It not only provided for the general disarmament of whole districts, but there were various other provisions which, though homogeneous in their character, were distinct one from the other, and might be enforced independently of each other. One Section provided for a registration of Arms. Another was prohibitory of the manufacturing and dealing in Arms without a license. Another prohibited the importation, and another the transport of Arms, &c. Under the Act therefore a multiplicity of powers was created; and while one Governor might think it necessary to put the whole Act or part of it in force, another Governor might choose to dispense with the aid which it was intended to afford him. It was a matter of notoriety that the Bengal Government had put the 24th Section relative to a general search for Arms into operation in the district of Shahabad: but it seemed to him to be of importance that the Council should have upon it explicit information both as regards the adoption of this Section, and the use made, if any had been made, of the other Sections of the temporary Act. Similar remarks would apply to Madras and Bombay.

He should therefore move that a Message be addressed to the Honorable the President in Council, stating that inasmuch as a Bill was now pending before the Legislative Council to make perpetual the temporary Act XXVIII of 1857, it

was the desire of this Council that the information indicated in the following queries relative to the actual working of the Act be procured and communicated to the Legislative Council :—

1. In what Provinces, Districts, or places has a general search for Arms, Ammunition, or Sulphur been ordered under Section XXIV Act XXVIII of 1857, and carried out, stating, if possible, in the case of each District or place, the commencement and completion of the search; and stating also the number of the different sorts of Arms seized?

2. To what Provinces, Districts, or places have Sections I and V of the above Act been extended, stating whether the extension applies to other places than those in which a general search has been ordered?

3. To what places have Sections VII and VIII, prohibitory of the manufacturing and dealing in Arms without a license, been extended?

4. In what places has the prohibition to import Arms, Ammunition, Sulphur, and Saltpetre been enforced under Section XII, and is continued in force?

5. In what places has the transport of Arms &c. been prohibited under Section XV, and is still prohibited?

6. In what places has the sale of Sulphur been prohibited under Section XVIII, and is still prohibited?

7. In what places have the making and keeping of Cannon &c. without a license been prohibited under Section XXVI, and are still prohibited?

Agreed to.

MR. SCONCE moved that Mr. Ricketts be requested to take the above Message to the President in Council.

Agreed to.

#### MARKETS.

MR. RICKETTS moved that Mr. Forbes and Mr. Sconce be added to the Select Committee on the Bill "for regulating the establishment of Markets."

Agreed to.

#### TOLLS (EASTERN CANAL).

MR. SCONCE gave notice that he would, at the next Meeting of the

*Mr. Sconce*

Council, move the first reading of a Bill to amend and extend Act XXII of 1836, relating to the levy of Tolls in the Eastern Canal.

#### CRIMINAL APPEALS.

MR. SCONCE moved that a correspondence received by him from the Bengal Government, relative to the admissibility or otherwise, by the Nizamut Adawlut, of second appeals in judicial proceedings of the Fouzdary Courts other than Criminal trials, when those Courts act without having jurisdiction, be printed.

Agreed to.

The Council adjourned at half past 12 o'clock, on the Motion of Mr. Ricketts, to Wednesday, the 7th Instant, at  $\frac{1}{2}$  past 10 o'clock.

*Wednesday, December 7, 1859.*

#### PRESENT:

The Hon. Lieut.-Genl. Sir James Outram, Senior Member of the Council of the Governor-General, presiding.

Hon. H. Ricketts,		Hon. Sir C. R. M.
Hon. H. B. Harington,		Jackson,
Rt. Hon. J. Wilson,		and
H. Forbes, Esq.,		A. Sconce, Esq.

#### LICENSING OF TRADES AND PROFESSIONS.

THE CLERK presented two Petitions from the Inhabitants of Poona against the Bill "for the Licensing of Trades and Professions."

MR. HARINGTON moved that the above Petitions be printed.

Agreed to.

#### POLICE (PRESIDENCY TOWNS AND STRAITS SETTLEMENT).

THE CLERK reported to the Council that he had received a communication from the Governor of the Straits Settlement on the subject of empowering Magistrates to take cognizance in certain cases of offences against Act IV of 1839 (stealing growing trees, &c.).

SIR JAMES OUTRAM moved that the above communication be referred to the Select Committee on the Bill "to amend Act XIII of 1856 (for re-