

Friday, December 8, 1865

**COUNCIL OF THE GOVERNOR GENERAL  
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*Abstract of the Proceedings of the Council of the Governor-General of India,  
assembled for the purpose of making Laws and Regulations under the  
provisions of the Act of Parliament 24 and 25 Vic., cap. 67.*

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The Council met at Government House on Friday, the 8th December 1865.

P R E S E N T :

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble J. N. Bullen.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble Mahárájá Dhíraj Mahtab Chand Bahádur, Mahárájá of Burdwan.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

INDIAN COMPANIES' BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill for the incorporation, regulation, and winding-up of Trading Companies and other Associations, said, the Bill was intended to render to Joint Stock Companies trading in India the same service which had been afforded to English Joint Stock Companies by the Companies' Act, 1862. The English Statute was a comprehensive Code of all the law applicable to Joint Stock Companies, and was intended to give full information to the members of such Companies as to their rights and liabilities at all stages of their existence. A similar advantage had never been conferred on the Indian Joint Stock Companies, for the law relating to them was still contained in two separate Acts, and many of the rules applicable to them in India had never been reduced to writing at all. The present Bill followed the English Statute, but had been carefully adapted to Indian law and procedure, and the comparatively few decisions of the English Courts which had been given on doubtful points had been em-

bodied in the draft. While it had not been Mr. Maine's intention to alter the law, the very fact of bringing it up to the point of English legislation implied some changes, which he would proceed to state.

One effect of the Bill would be to legalize a new form of Joint Stock Company limited, or rather a modification of an old form. The ordinary Joint Stock Company limited was described in the 8th Section as a Company limited by shares. It was a Company formed on the principle of limiting the liability of the members to the amount unpaid on their shares. But another form of Company was described in Section 9, and this was called a Company limited by guarantee. It was formed on the principle of having the liability of its members limited to such amount as the members respectively undertook to contribute to the assets of the Company in the event of the same being wound up. The subscribers to such a Company, in the event of insolvency, would not only be liable for the amount unpaid on their shares, but also for what they had undertaken to contribute beyond; and this additional contribution might vary from a small excess above whatever was unpaid on the shares to something resembling unlimited liability. Such Companies as the last had not been, he believed, very largely formed in England; probably because the field which they would naturally occupy was filled by associations which had obtained charters or been incorporated under special Acts of Parliament. Charters, however, were not easily obtainable in India, and the Indian Legislature granted special limitations of liability very sparingly. It would not therefore be matter of surprise if Companies limited by guarantee became not uncommon in this country.

Another effect of the Bill would be to enable Insurance Companies to be formed on the principle of limited liability. The first steps towards legalizing limited liability had been timidly taken in England. At first Banking Companies and Insurance Companies were exempted from the operation of the law, but the exceptions were successively swept away; only one step had been followed in India, and it was still impossible to form in this country an Insurance Company on the limited liability principle. But the present Bill provided that any seven persons combining for a lawful purpose might form a Company with the liability limited or unlimited. In favour of this provision he could only repeat the arguments he had urged in the Spring. First, he thought that when an experiment had been tried in the more active and numerous commercial society of England, it might fairly be tried in the commercial society of this country, provided that no arguments could be adduced against it, which might not have been urged in England and had not prevailed. If there were arguments bearing on the question, derived from the special circumstances and condition of India,

matters were altered. But it appeared to him that all the special Indian reasons made in favour of the Bill. The English Insurance Companies would not take Native lives, because their tables did not enable them to calculate the risk, and they could not obtain the data for the amendment of their tables owing to the secrecy of Native family life. Native capitalists were, however, willing to take upon themselves the risk, alleging that there were sources of information open to them which were not open to Europeans. But these capitalists had the greatest dislike and distrust of unlimited liability, and would only form Insurance Companies if their liability were limited. How anxious they were for the removal of the remaining exception to the principle of limited liability might be inferred from the fact that the short Bill of last year was founded on a strong recommendation from Native capitalists, that they protested strongly when it was postponed on account of press of business, and that they had now advertised an Insurance Company to be formed as soon as the present Bill should pass. Mr. Maine's last reason, which he thought conclusive, for removing the exception as to Insurance Companies, was that the limited liability of such Companies existed already in this country, but not in the most satisfactory form. There was nothing to prevent English limited Insurance Companies from establishing branches in this country. Several of such branches had been established; and without intending any disparagement of them, Mr. Maine thought the security afforded by a Company with London Directors and a London registration inferior, so far as India was concerned, to that given by a Company whose Articles of Association might be inspected at the Office of the Registrar in Calcutta.

Mr. MAINE then concluded by observing that Sections 70 to 97 provided a procedure to be followed when Companies submitted their differences to arbitration. The Code of Civil Procedure had also provisions by which procedure before arbitrators was regulated. He might therefore have introduced the necessary provisions by reference to that Code, which was intended not only to guide the Courts, but to prevent the inconvenience of creating a separate procedure every time a right was created. But in the present case he had determined to retain these Sections, which were taken from the Railway Companies' Arbitration Act, because the present Bill was intended to inform Indian Companies fully as to their legal position, and it might be inconvenient to refer them to a separate enactment; for while he might be sure that this Bill, if it became law, would be in the Office of every Company, he could not be equally sure that the Code of Civil Procedure would be found there. Further, these Sections were intended to be applied by the Companies without going to law. Now the Code of Civil Procedure had the peculiarity of assuming that all proceedings were contentious—that is, that a suit had been instituted—and therefore it would have been necessary to direct the Com-

panies to conduct the arbitration as if there had been a suit, and as if the Court had made an order of reference. But such hypothetical and conditional references were extremely embarrassing to laymen, and therefore he had preferred to retain the Sections.

This Bill and the Partnership Law Amendment Bill, leave to introduce which had been given last week, would be referred to the Chamber of Commerce and to other associations interested in commercial law.

The Motion was put and agreed to.

#### POST OFFICE BILL.

The Hon'ble Mr. GREY introduced the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office, and moved that it be referred to a Select Committee with instructions to report in six weeks. He said that the Bill had been published for some weeks, and in now introducing it, it seemed unnecessary that he should occupy the time of the Council by going over all the amendments of the existing law which the Bill as drawn contained.

He proposed to confine himself at present to some points which were of considerable interest—and more or less of general interest to the community. The points he referred to were, it was true, for the most part points which, both under the existing law and under the Bill, it was competent to the Executive Government to deal with; but as the publication of the Bill had led to certain representations being made to Government on some of those points, it seemed appropriate to notice them at the present time; and, indeed, should the requests preferred be eventually complied with, it would on every account be proper and convenient that they should be specifically provided for in the new law.

He would first turn to Section 5 of the Bill, which prescribed the rates of letter-postage. In the Bill as drawn, the only alteration proposed in these rates was the scale by which increasing postage was charged on letters above two tolahs in weight. It was proposed to make the rate of increase one anna for every half tolah or fraction of a half tolah, instead of two annas for every tolah or fraction of a tolah. That was following the principle which had of late years been recognized in England—not entirely indeed, because to do so would involve an increase by *half annas* for every *quarter* tolah. This, however, would be very inconvenient, and hardly less so to the public than to the Post Office. The Trades' Association had suggested in a memorial submitted to Government, that a further modification of existing rates should be allowed, the unit of weight being raised from a quarter tolah to half a tolah—the unit of charge still remaining half an anna—and an additional half anna being charged for every

additional half tolah. The Trades' Association submitted in support of this proposal—

"That the limit of weight now in operation, and proposed to be continued, is a source of great practical inconvenience to the commercial public, inasmuch as it necessitates the use of a paper of the most flimsy texture, so much so as to endanger the preservation of letters that have to endure the contingencies common to the transit of them in this country; the only alternative now open being the payment of a higher rate of postage, which is felt to be oppressive."

"At the time the postage Act of 1854 was framed, there were doubtless many good grounds for the adoption of a low limit of weight, as the state of the internal communications of the country, and the system then in use for forwarding the mails, would not admit of a heavy weight being carried; but the changes of the last few years, the opening out of main lines of Railway communication throughout the country, the construction of good roads through every important district, have led to an entire change in the system of transmitting the mails, so that the low limit of weight in letters has, so far, ceased to be of any practical importance."

There was no doubt some truth in these remarks, but there were other considerations to which the Association had not adverted that required to be regarded before the conclusion could be come to that it was desirable to adopt the proposed modification. In the first place he thought it could not be questioned that it would entail some direct sacrifice of revenue. The Association indeed expressed a belief "that an increased allowance in the weight would result in a great increase of correspondence." He (MR. GREY) could not, however, persuade himself that this was a well-founded expectation, believing as he did that the amount of private correspondence was influenced far more by the minimum rate of charge than by the minimum rate of weight. Then there might also be some danger to the revenue from the indirect operation of the measure. One of the points noticed by the Post Office Commissioners of 1853, as a common mode of evading postage, was the practice of clubbing letters. The practice prevailed at that time to an immense extent, and though doubtless the inducements, under the old rates of postage, were very much greater than they would be under the proposed modification, still the contingency was not one to be wholly disregarded now. There was perhaps no point which the Post Office Commissioners more fully considered than this point of the minimum charge. They discussed whether it should be one anna, or half an anna, and they concluded, wisely he (MR. GREY) ventured to think, on recommending the lower rate. But it was not certain that they would have done this had they not at the same time decided to recommend the quarter tolah as the unit of weight. The two things in fact supported one another. The very low charge of half an anna (three farthings) justified—even though the distances over which letters would be

carried were so much greater than in England—the adoption of a very low unit of weight; while that again seemed to warrant the great concession of a minimum uniform rate<sup>\*</sup> of postage, lower by one-fourth than the minimum rate in England. It might possibly be known to some Members of the Council, that since the Act of 1854 had passed, it had more than once been proposed to abolish the present minimum weight and minimum rate of postage, and to have as the units of weight and postage one anna and half a tolah. It was last proposed, he believed, by the Finance Committee appointed in Mr. Wilson's time. The Government had never yet accepted the suggestion, and he must say that he was himself quite opposed to it. It would be, he thought, a very retrograde measure to abandon the present uniform half anna postage. He would rather indeed see the present proposal adopted, and the half anna allowed to carry half a tolah. But on the whole he was inclined to think that it would be best to leave matters as they were. There was no reason to suppose that the present system was not well suited to Native wants and habits, and it should never be forgotten that it was to Native correspondence that our system must be mainly adapted, Native letters being of course many times more numerous than English letters, and being moreover susceptible of an infinitely greater growth. The question would doubtless be fully investigated and considered by the Select Committee.

He would now turn to Section 6 of the Bill, which dealt with newspaper postage. There was a very material alteration in the Bill as compared with the existing law, though it accorded with existing practice. The existing law made a distinction between imported papers and papers published in India. For the former, the rates of postage prescribed were, for a paper not exceeding  $3\frac{1}{2}$  tolahs, two annas, for a paper exceeding  $3\frac{1}{2}$ , and not exceeding six tolahs, four annas. For the latter, the rates were, for a paper not exceeding six tolahs, two annas, for a paper exceeding six tolahs, but not exceeding twelve tolahs, four annas. But by the general authority vested in the Governor-General in Council by the Act, these rates had been since materially changed. The distinction between imported papers posted in India and papers published in India had been altogether removed, and both were now carried by the post at the following rate—for every paper not exceeding six tolahs *one anna*. Thus the postage on a paper published in India exceeding  $3\frac{1}{2}$  tolahs and not exceeding six tolahs had been reduced since Act XVII of 1854 was passed from four annas to one anna. It was now, however, urged that this did not sufficiently meet the present wants of the public. The Trades' Association remarked on the point as follows:—

"Your Memorialists would call attention to the fact that a newspaper or pamphlet printed in England, weighing four ounces or ten tolahs, is conveyed to any part in India, and from thence to any part of the country for a postage charge of *2d.*, while a publication of the same weight,

issued in India, would be subjected to a charge of two annas, or 3d., for inland postage only. To remove the disparity pointed out, which is felt to be a restriction on Indian publications, your Memorialists would respectfully ask for an extension of the allowance of weight to newspapers, pamphlets, &c., to ten tolahs for postage of one anna."

And Messrs. Townsend and Smith, the proprietors of the *Friend of India*, had also memorialized on the subject. They represented the case in this manner :—

"Your Petitioners beg to represent the serious restriction placed upon all newspaper enterprise in India, as contrasted with the same in England and other parts of Her Majesty's dominions—restrictions which fall with especial severity on them as proprietors of the largest newspaper in India—by the rates of newspaper postage.

Your Excellency in Council cannot be aware, that while for one penny at least forty-four pages of a weekly paper like the *Saturday Review* on thick paper can be sent all over the United Kingdom, and that for two pence the same paper is sent by Southampton to India, and all over India, for one anna, or three half pence, thirty pages only of the *Friend of India* (and that on very thin paper) can be sent in India. The result is that your Petitioners have been forced to use very thin paper for their post edition, and to restrict the size of their journal most inconveniently, rather than force their subscribers to pay double postage. It is true that a paper is carried for a greater distance in India for three half pence than it can be in the United Kingdom for a penny. But, on the other hand, nearly one-half more weight is carried in England, to India and *throughout* India for two pence, although the Indian postal rates were avowedly made less than those in England ten years ago, to adapt them to the comparative circumstances of the people of India.

Your Petitioners, therefore, humbly pray that your Excellency in Council will take into consideration the propriety, the justice to your Petitioners and the advantage to the public, of removing the existing restrictions on newspaper enterprise by allowing the same maximum weight of newspaper to be sent through the post in India for one anna or three half pence, that is sent in the United Kingdom for one penny."

Now, whatever strength the case of the Indian newspaper might have on its own merits, he must say that in his opinion the argument which was derived from the disparity of treatment between English papers posted in England and delivered in India, and Indian papers, whether English or Native, was not one that could be fairly pressed. The disparity referred to was unavoidable both in regard to newspapers and to letters. It was brought about in this way. There was a great end to be gained, namely, the establishment of a consolidated rate of postage between England and India, which should be prepaid in either country, and which would frank a letter or paper from any part of the one country, to any part of the other country. In discussing this question, it turned out that the English Post Office would consent to no arrangement *special to India*. It insisted on the establishment of a sys-

term uniform as regarded England and applicable to all Her Majesty's dependencies and hence the Government of India had only the alternative of abandoning the great advantage of a consolidated postage, or of continuing the old system of levying separate Indian postage on all letters and papers received from, or despatched to, England. The inconvenience of that system was so extreme that the Government consented to forego the just claims of the Indian revenues, and to accept a scale of consolidated postage inadequate, both as regards letters and papers, to the fair remuneration of the Indian Post Office. This was unquestionably a great boon to the British community of India, and it could not be fairly cited as a standard by which the general system of Indian postage should be judged. That system, he (MR. GREY) maintained, must be regulated mainly with regard to the wants and the habits of the people of this country.

The rates must be taken entirely by themselves. He did not say that the request on its own merits might not reasonably be granted. Things were now greatly advanced in India. When the Post Office Commissioners wrote their report, the local newspapers were very different from what they are now. At that time only one application was made by a single newspaper proprietor, who proposed to raise the weight of his paper from  $3\frac{1}{2}$  to  $3\frac{3}{4}$  tolahs. The Commissioners saw no reason to support his application, and gave a table showing that the average weight of Indian newspapers was something under three tolahs. The *Englishman* was then  $2\frac{3}{4}$  tolahs. No doubt the demand for Indian newspapers had extended, and their bulk also had increased, and therefore he by no means said that it might not be reasonable to increase the weight carried for one anna beyond six tolahs. But he was not sure that the point had not better be left to the Executive. For the system would apply to Native papers as well as English papers, and some preliminary enquiry might be desirable as to the probable effect of the alteration.

Section 10 related to the rates chargeable on parcels sent by inland carriage postage, and Section 15 to the ship postage on such parcels. The Director General of the Post Office, who was in favour of increasing the minimum weight of newspapers, had proposed to increase the charge on books, not by adding to the rate of charge, but by diminishing the weight carried at that rate. This seemed reasonable: for the book-postage in India was now lower than it was in England, although the distances here were so much greater. Books, moreover, were now on the main lines carried by conveyances different from those employed when the present low rate was fixed. That rate was determined on mainly with reference to the fact that they would be carried by

banghy. But now, on all the main lines, books were carried by the same conveyance as newspapers. It seemed but fair, therefore, that the rate charged for the former should to some extent approximate to the charge for the latter.

As to the Parcel Post, the Trades' Association had suggested that it would be a great public benefit to introduce a system for the conveyance by banghy or otherwise of small parcels not exceeding ten tolahs in weight, irrespective of contents and distance, at an uniform charge of one anna. On this important proposal he was not at present prepared to give an opinion. Many interests would be affected by its adoption, and the whole subject required careful consideration. Section 18 empowered the Government to increase the rates of book and parcel postage. The necessity of this provision as to parcels was obvious. For if the Government were to continuo carriers of such matters, there were many considerations as to parcels whose contents were unknown, which rendered it desirable to leave Government unfettered in dealing with the rates of banghy charges.

The 22nd Section empowered the Governor-General in Council to declare in what cases registration should be compulsory and to direct that a double registration fee should be levied on the delivery of any thing which ought to have been, but was not, registered at the time of posting. The expediency of this provision was obvious. It was intended for the security of the community, and also to protect the Post Office employés from undue temptation. People omitted to register sometimes from indifference but oftener from ignorance. They were not aware of the working of the Post Office, and did not know that, in the case of a letter conspicuously containing an enclosure of value, there were to be found between the ordinary act of dropping the letter into the box and registering it, the extremes of almost certain loss and almost absolute security.

The next point to which he would refer was one which belonged to the Executive rather than the Legislative Department. "There is one other point" say the Trades' Association, "in which your Memorialists think the system of the English Post Office may be followed with great advantage to the revenue of the Indian Post Office, namely, with regard to the payment of official correspondence....If all Government Offices prepaid their postage, debiting it of course to office accounts, the bulk of the mails would doubtless be greatly reduced, and a more correct estimate of the actual cost of postal arrangements would be attained." This had been a vexed question for many years. He was afraid that the Association were too sanguine in their expectation that the bulk of the mails would be diminished if this last suggestion were adopted. He might mention, however, that recently the Government had agreed to adopt, at the recommendation of the Director General, a system

almost identical with that in use in England. According to this a certain number of the principal Offices would keep accounts with the Post Office, and minor Offices would be required to use service stamps.

The Hon'ble MR. BULLEN said that this Bill had been also under the consideration of the Committee of the Chamber of Commerce, and though no representation had come up to the Council from that body, he might say that they held the same view regarding the increase of the unit of weight of letter-postage from quarter to half tolah which had been expressed in the petition of the Trades' Association, and on very similar grounds. When the existing uniform rates first came into operation in 1854, no portion of that long unbroken line of Railway communication, which now extended from Calcutta to Delhi, and which in a comparatively short time would unite Calcutta with the Capital of Western India, and the two with our far-off frontier in the extreme North-West, then existed for postal purposes. The mails were consequently conveyed, entirely, by cart or by runners, and it was a perfectly intelligible policy to encourage the use of the thinnest paper for correspondence, so that the carts or runners should not be overweighted and the delivery of the mails retarded. But now that the mails were conveyed such long distances by Railway, weight was of far less importance, and would become less important week by week as further sections of Railway were opened for traffic. It must also be considered that, even if the unit of weight should be raised to half a tolah, the Indian charge for postage would still be double the English charge. At present the Indian rates were four times greater than the English rates. For instance, in England a letter not exceeding half an ounce in weight was carried for 1d. The equivalent weight of  $1\frac{1}{2}$  tolah was charged in India three annas, or  $4\frac{1}{2}d$ . Again, a letter not exceeding one ounce was charged in England 2d. In India the equivalent weight,  $2\frac{1}{2}$  tolahs, was charged six annas or 9d. Supposing the unit to be increased to half a tolah, and half an anna to be charged for each further half tolah or fraction thereof, then the Indian letter of  $1\frac{1}{4}$  tolah or half an ounce, which in England would be charged 1d, would be charged  $1\frac{1}{2}$  anna or  $2\frac{1}{4}d$ , and the letter of  $2\frac{1}{2}$  tolahs, or one ounce, which in England would be charged 2d, would be charged  $2\frac{1}{2}$  annas or  $3\frac{3}{4}d$ .

He did not suppose that this change could be carried out without some sacrifice of revenue, but he did not believe it would be an important one. The letters formerly charged half an anna would continue to be charged half an anna. No doubt the weight of the mails would be increased by the use of thicker paper for correspondence, but this was now of little importance, and it would be found that, as the charge for conveying letters was reduced, the number would be increased. But the strongest argument in his opinion

for increasing the weight which might be carried for single postage, was the fact that the Government at present derived an enormous profit out of the Post-Office revenue. He had before him a copy of an appendix to the last report of the Director General of Post Offices, showing that the surplus revenue of the Post Office, supposing official letters to be charged with postage like ordinary correspondence, as he (Mr. BULLEN) contended that it should be, was, for the year 1863-64, nearly 20 lakhs of Rupees. He (Mr. BULLEN) maintained that the correspondence of individuals should not be taxed to cover the cost of conveying and delivering the letters of the various Government Departments; and if each bore only the share of the general expenditure of the Post Office which equitably belonged to it, the unit of weight might be raised to half a tolah and a surplus revenue still remain. With regard to newspapers, he was disposed to support the petition which had been referred to. The *Times* newspaper, weighing with its first sheet of advertisements four ounces, or ten tolahs, was conveyed between any two points in Great Britain for 1*d*, and he would allow newspapers of the same weight to be conveyed to any part of India for an uniform rate of one anna, or 1½*d*.

He would not follow the Hon'ble Member in his remarks respecting Book Post and Banghy dâk rates. They could be more conveniently considered in Committee. He was glad, however, to infer from what had fallen from the Honourable Mover, that, on the question of an increased unit of weight for both letters and newspapers, the Government would concede what had been asked, should a majority of the Committee be in favour of it.

The Hon'ble MR. GREY remarked that he had not intended to imply this.

His Excellency the COMMANDER-IN-CHIEF enquired of the Hon'ble Mr. Grey if an estimate had been framed of the probable result to the revenue of the proposed changes, and further if an estimate could be afforded of what the reduction would probably be, if the reforms suggested by the Hon'ble gentleman opposite (Mr. Bullen), were effected with regard to the proposed measure.

The Hon'ble MR. GREY said that the reduction as caused by the Bill would be trifling, and that no estimate had been framed of the possible loss of revenue that would follow on the adoption of Mr. Bullen's suggestion.

His Excellency the COMMANDER-IN-CHIEF then said that he must take exception to some of the reasoning of the Hon'ble Member opposite.

Thus, it had been said that postage in India was a great deal dearer than postage in England, because the penny in England covered a much heavier

weight than the half anna in India. A fallacy was to be discovered in such an argument. The Hon'ble gentleman had omitted to take into his calculation the fact that distances in India were four and five times greater than in England. Thus, a letter in England could hardly travel more than four hundred miles, whereas in India distances of fifteen hundred or even two thousand had to be encountered. It was evident, therefore, that when the comparative rates of postage were estimated for testing the dearness of postage, the element of distance must be considered in the calculation to the full as much as the element of weight.

There was another point on which His Excellency ventured to remark on the observations of the Hon'ble gentleman opposite. It was true that we now had a system of Railways in India, which during the last ten years had grown from small beginnings, and come to perhaps two thousand five hundred miles. This system was daily being added to, and we might perhaps hope that, ten years hence, we should have five thousand miles of railroad in India. Nevertheless these Railways could only apply to trunk lines. His Excellency apprehended—and he believed he would carry the Executive Government with him in his conviction—that the difficulty of the Post Office lay in the country or district posts.

It was but natural that the capitalists of a great city like Calcutta should wish the matter before the Council to be arranged in a manner which appeared most convenient to themselves. But the Council was bound to think first of it as a matter affecting the Native population at large. It was not one which could be disposed of by a restrictive Railway system, but it must depend in great measure on the means for carrying letters, as afforded by the districts lying apart from the great lines. It was quite true, as stated by the Hon'ble gentleman, that official postage bore a very large proportion to that on account of private letters. But it was probable that would be not nearly so much the case, if the Post Office were able to deal with the difficulty of the district posts with entire success. It was from such a point of view, therefore, that the matter must be looked at, viz., how best the advantages of the Post Office could be applied to the country at large, and here we must think much of that immense population which was not immediately represented in this Council.

The Hon'ble the MAHARAJA OF VIZIANAGRAM said that two points in the Bill struck him as requiring a slight alteration.

As to the first class of letters excepted from the exclusive privilege of Government, as provided for in Section 2 of the Bill, it seemed to him that it did not include *all* letters made over, in a village in the interior, to one man

who proceeded from thence to a town at some distance, and delivered them (without any hire or remuneration) to the villagers' friends or relatives residing in that town.

Should his view be correct, he would propose that the Select Committee should alter that Section, in order to include in the exception the letters to which he referred.

Secondly, from the wording of paragraph 6 of Section 6 it seemed to him that no more than the newspaper of one day would be allowed to be sent under one cover.

Should his surmise be well founded, he would move that the wording of that paragraph be so altered as to admit of any number of newspapers, weighing not more than six tolahs, being carried under one cover,—as otherwise it would, he was afraid, inflict a great hardship on many persons of limited means, who for economy's sake, instead of getting their papers every day, received them two or three times every week.

The Hon'ble Mr. GREY in reply said that he had little to say in answer to the Hon'ble Mr. Bullen's observations, for the chief point which he would otherwise have urged had been well put by His Excellency the Commander-in-Chief, namely, that it was to Native correspondence we should mainly look in legislating on the subject of the Post Office. As to what Mr. Bullen had said in reference to official correspondence, if his argument were followed out to its legitimate conclusion, it seemed to him (Mr. GREY) that it would follow that, if official correspondence unhappily so increased as that the postage charged should exceed the whole cost of the Post Office establishments, that then the correspondence of the public should be carried for nothing at all. He could not see that the amount of the postage on official correspondence had any bearing at all on the question. The Indian Post Office was just as legitimately a source of revenue in India as the English Post Office was in England, and all that the Government and the public had to look to was that fair and reasonable rates were charged, and that they were adapted to the circumstances of the country.

The Hon'ble Mr. COWIE added a few words, and

The Motion was put and agreed to.

#### REGISTRATION ACT AMENDMENT BILL.

The Hon'ble Mr. GORDON, in moving for leave to introduce a Bill to amend Act No. XVI of 1861 (to provide for the Registration of Assurances), said that the present Bill was necessitated by the difficulties which had been felt respect-

ing some important points in the system of registration established by Act XVI of 1864. It was not clear who were the parties bound under Section 28 to present an instrument for registration, and the Act contained no provision enabling the person who had an interest in the registration to enforce its completion. The directions contained in the Act for the mechanical process of registration had also been found to be inconvenient. Doubts, too, had been raised as to the meaning of the Section providing a procedure in case of refusal by a Registrar to register an instrument of which the registration was compulsory ; and various suggestions had been made, the adoption of which would render the legislation on the subject more useful and intelligible than at present.

The Act of 1864 had been already amended by Act No. IX of 1865, so that if a new Act were passed, merely amending the existing law, the rules of registration would be contained in no less than three enactments. This was obviously inexpedient, and the Bill had therefore been prepared so that, if it became law, the present Acts would be repealed and re-enacted with the necessary alterations and additions, and the whole Registration law would then be contained within the compass of a single Act.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office—His Honour the Lieutenant-Governor, His Excellency the Commander-in-Chief, and the Hon'ble Messrs. Maine, Bullen, Cowie and the mover.

The Council adjourned till the 15th December.

WHITLEY STOKES,  
*Asst. Secy. to the Govt. of India,*  
*Home Dept. (Legislative).*

CALCUTTA, }  
The 8th December 1865. }