

Friday, January 18, 1867

**COUNCIL OF GOVERNOR GENERAL
OF
INDIA**

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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 & 25 Vic., cap. 67.

The Council met at Government House on Friday, the 18th January 1867.

PRESENT :

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 Right Hon'ble W. N. Massey.

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

The Hon'ble H. B. Riddell.

The Hon'ble J. E. L. Brandreth.

The Hon'ble M. J. Shaw Stewart.

His Highness Nawab Muhammad Kalb Ali Khan Bahadur, Nawab of Rámpúr.

The Hon'ble C. P. Hobhouse.

The Hon'ble J. Skinner.

The Hon'ble D. Cowie.

COMPTOIR D'ESCOMPTE BILL.

The Hon'ble MR. MAINE introduced the Bill to make further provision for suits by and against the Comptoir D'Escompte of Paris, and moved that it be referred to a Select Committee with instructions to report in one week. He said that he had described the object of the Bill at the last meeting of the Council. It proposed, in a few lines, to provide that in suits by or against the Comptoir D'Escompte, the nominal plaintiff or defendant should be the acting chief manager of the agencies or the acting manager of the agency at the place where the cause of action arose. He had intended at first to ask His Excellency's permission to suspend the Rules for the Conduct of Business in order that the Bill might be passed at once. But he thought it would be preferable to refer the Bill to a Select Committee for consideration, with instructions

to report in one week. The Bill would be communicated to the local representatives of the Company, who, MR. MAINE presumed, would have no objection to its passing into law.

The motion was put and agreed to.

REMOVAL OF PRISONERS' BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to make further provision for the removal of prisoners.

HORSE-RACING BILL.

The Hon'ble MR. MAINE also presented the Report of the Select Committee on the Bill to legalize horse-racing in India.

GANGES TOLLS' BILL.

The Hon'ble MR. RIDDELL moved that the Report of the Select Committee on the Bill to authorize the levy of Tolls for the improvement of the navigation of the Ganges be taken into consideration. He said that the alterations made in this Bill by the Select Committee, though important, did not in any way affect its principle, and it would perhaps be sufficient for him briefly to indicate their nature.

To the Bill as referred to the Committee was annexed a Schedule of tolls, which varied according to the cargo carried by each vessel, while at the same time the rule contained in the body of the Bill, under which vessels were to be measured, was framed with the object of providing that toll should be levied in proportion to the draught. This Schedule was objectionable as imposing a tax of the nature of a transit duty, and it was also inconsistent with the principle on which toll was to be levied under the rule to which he had just referred.

The provision that vessels which, on their upward voyage, had paid toll on the Nuddea Rivers should be partially exempted from toll on the Ganges above Dinapore was strongly objected to by the Government of Bengal; and on an estimate being made of the probable return, it was found that the produce of the toll, if reduced as proposed, would not be sufficient to provide the funds absolutely necessary, if really efficient operations were to be undertaken for the improvement of the Ganges in the part of its course to which the Bill would apply. The Committee had therefore struck out this provision, and had substituted for the Schedule of tolls a clause providing an uniform maximum toll of twelve annas per one hundred maunds for all vessels measuring two hundred maunds and upwards, according to the rule of

measurement in Section 3. The Committee had also given to the Local Government the power to reduce or alter the tolls, which the Bill, as referred, gave to the Governor General in Council. As the maximum toll was fixed, and the expenditure of the proceeds was entrusted to the Local Government, there appeared no reason why the power to reduce and alter the tolls should not also be given to the Local Government. With respect to steamers and flats, the Committee had adopted the rule in force on the Nuddea Rivers, and which would get rid of the necessity that would otherwise exist for frequent surveys and measurements. It was proposed that the tonnage of each steamer and flat should be taken to be that according to which port-dues were payable on arrival within the limits of the port of Calcutta. In the case of steamers, a deduction of thirty-five per cent. from the gross tonnage would be allowed for the weight of engines, &c., and in the case of flats, ten per cent. of the tonnage would be allowed for the cabin-accommodation, &c. The toll on empty boats would be almost nominal, as the burden on which toll was leviable varied directly with the immersion of each boat.

Powers had been given to the Local Government to make rules as to the navigation of the part of the river to which the Bill would apply, and to prohibit the erection of weirs and fishing-stakes likely to interfere with such navigation.

MR. RIDDELL hoped that the Bill as amended might be passed, as it would enable the Government of the North-Western Provinces to devise and carry out permanent works for the improvement of the navigation of the Ganges between Allahabad and Dinapore, and for the regulation of the lower part of the courses of those affluents of the Ganges, which in all probability were the causes of the shoals and bars which now so seriously interrupted the navigation of the main stream. As he had stated when introducing the Bill, the removal of even one shoal would most fully repay the charges which the measure would impose on boat owners, and if a clear channel could be opened to Mirzapore, it was impossible to estimate the extent to which the commerce of the country would benefit by the establishment of cheap and rapid water-communication between Calcutta and the North-Western Provinces.

The Motion was put and agreed to.

The Hon'ble MR. RIDDELL also moved that the Bill as amended be passed.

The Hon'ble COLONEL DURAND referred to Section 16 of the Bill which empowered the Lieutenant Governor to make rules for various matters.

Amongst them was the clause (a) which provided "for fixing the number and the width of steamers, flats and boats to be allowed to pass into or out of or through any part of the Ganges between Allahabad and Dinapore at one time or abreast." He supposed that this had reference to the prevention of obstructions in consequence of an undue number of boats endeavouring to pass at the same time. But there was no provision here as to obstructions caused by the depth of boats. It seemed to him that obstructions were just as likely to happen from that cause as from vessels trying to pass two or three abreast.

The Hon'ble MR. MAINE thought that the general words at the beginning of the Section would allow rules to be made for the purpose referred to by the Hon'ble and gallant Member. The clauses of the Section were only permissive as to some amongst other matters.

The Hon'ble MR. RIDDELL said that clause (a) was framed with a view of preventing the inconvenience which might be caused if steamers were navigated with several flats alongside.

The Motion was put and agreed to.

PUBLIC GAMBLING BILL.

The Hon'ble MR. RIDDELL asked leave to postpone his motion that the Report of the Select Committee on the Bill to provide for the punishment of public gambling and the keeping of common gaming-houses in large towns in the North-Western Provinces of the Presidency of Fort William, and in the Panjáb, Oudh, the Central Provinces, and British Burmah, be taken into consideration.

Leave was granted.

PÁNDHARÍ TAX (CENTRAL PROVINCES) BILL.

The Right Hon'ble MR. MASSEY, in moving for leave to introduce a Bill to provide for the re-assessment of the Pándharí tax in certain parts of the Central Provinces, said that this was a Bill for the confirmation and extension of a very ancient tax, which had been partially levied in certain portions of the Central Provinces under the Native rule. It was in form a house-tax, but it partook more of the character of a trades-license tax, occupiers engaged in agriculture or paying land revenue being exempted from its burden. The first section of the Bill was merely declaratory and confirmatory of the impost in certain districts of the Central Provinces in which it had been hitherto collected by virtue of the orders of the Executive Government of India, which under

the Indian Councils' Act had the force of law. But as it had been found necessary to alter and re-adjust the assessment in regard to the exigencies of the revenue, and the circumstances of the districts and persons affected by its incidence, it was considered expedient to place the tax on the basis of a legal enactment. The second section, therefore, prescribed the limitations under which the tax should be levied, the assessment varying from two to three per cent. on the estimated income of the house-holder, according as that income might be under or over Rs. 300 per annum, the maximum of the assessment being fixed at Rs. 1,000. Section 3 enabled the Local Government with the consent of the Governor General in Council to frame regulations for the assessment and collection of the tax. By another section the Governor General in Council was empowered to extend the tax to districts of the Provinces other than those named in the first section.

The Pándharí tax was at present collected only in about one-half of the districts of the Central Provinces, and the proceeds were about three lakhs, the whole of which was credited to the Imperial treasury, and might be considered to that extent as a refund of the grants for local objects annually made from the revenues of India.

As it was of importance that the Bill should become law without delay, he proposed, with the permission of the Council, to pass it through its remaining stages at the next meeting.

The Motion was put and agreed to.

- The following Select Committee was named :—

On the Bill to make further provision for suits by and against the Comptoir D'Escompte of Paris—The Hon'ble Messrs. Hobhouse and Cowie and the Mover.

The Council adjourned till the 25th January 1867.

CALCUTTA, }
The 18th January 1867. }

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